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PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

(Vol. I contains Nos. 1—25)

(Part I—Questions and Answers)

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PARLIAMENT SECRETARIAT
NEW DELHI

Price Four Annas (Inland)
Price One Shilling (Foreign)

HOUSE OF THE PEOPLE

ALPHABETICAL LIST OF MEMBERS

A

Abdullabhai, Mulla Taherali Mulla (Chanda).

Abdus Sattar, Shri (Kalna-Katwa).

Achal Singh, Seth [Agra Distt. (West)].

Achalu, Shri Sunkam (Nalgonda—Reserved—Sch. Castes).

Achint Ram, Lala (Hissar).

Achuthan, Shri K. T. (Crangannur).

Agarwal, Shri Shriman Narayan (Wardha).

Agarwal, Shri Hoti Lal [Jalaun Distt. *cum* Etawah Distt.—(West) *cum* Jhansi Distt.—(North)].

Agrawal, Shri Mukund Lal [Pilibhit Distt. *cum* Bareilly Distt.—(East)].

Ahmed Mohiuddin, Shri (Hyderabad City).

Ajit Singh, Shri (Kapurthala-Bhatinda—Reserved—Sch. Castes).

Ajit Singhji, General (Sirohi-Pali).

Akarpuri, Sardar Teja Singh (Gurdaspur).

Alagesan, Shri O. V. (Chingleput).

Altekar, Shri Ganesh Sadashiv (North Satara).

Alva, Shri Joachim (Kanara).

Amin, Dr. Indubhai B. (Baroda West).

Amjad Ali, Shri (Goalpara-Garo Hills).

Amrit Kaur, Rajkumari (Mandi-Mahasu).

Anandchand, Shri (Bilaspur).

Ansari, Dr. Shaukatullah Shah (Bidar).

Anthony, Shri Frank (Nominated—Anglo-Indians).

Asthana, Shri Sita Rama (Azamgarh Distt.—West).

Ayyangar, Shri M. Ananthasayanam (Tirupati).

Azad, Maulana Abul Kalam (Rampur Distt. *cum* Bareilly Distt.—West).

Azad, Shri Bhagwat Jha (Purnea *cum* Santal Parganas).

B

Babunath Singh, Shri (Surguja-Raigarh—Reserved—Sch. Tribes).

Badan Singh, Chowdhary (Budaun Distt.—West).

Bagdi, Shri Maganlal (Mahasamund).

Bahadur Singh, Shri (Ferozepore-Ludhiana—Reserved—Sch. Castes).

Balakrishnan, Shri S. C. (Erode—Reserved—Sch. Castes).

Balasubramaniam, Shri S. (Madurai).

Baldev Singh, Sardar (Nawan Shahr).

Balmiki, Shri Kanhaiya Lal (Bulandshahr Distt.—Reserved—Sch. Castes).

Banerjee, Shri Durga Charan (Midnapore-Jhargram).

Bansal, Shri Ghamandi Lal (Jhajjar-Rewari).

Barman, Shri Upendranath (North Bengal—Reserved—Sch. Castes).

Barrow, Shri A. E. T. (Nominated—Anglo-Indians).

Barupal, Shri Panna Lall (Ganganagar-Jhunjhunu — Reserved — Sch. Castes).

Basappa, Shri C. R. (Tumkur).

Basu, Shri A. K. (North Bengal).

Basu, Shri Kamal Kumar (Diamond Harbour).

Bhagat, Shri B. R. (Patna *cum* Shahabad).

Bhakt Darshan, Shri [Garhwal Distt. —(East) *cum* Moradabad Distt.—(North East)].

B—*contd.*

Bhandari, Shri Daulat Mal (Jaipur).

Bharati, Shri Goswamiraja Sahdeo (Yeotmal).

Bhargava, Pandit Mukat Behari Lal (Ajmer South).

Bhargava, Pandit Thakur Das (Gurgaon).

Bhartiya, Shri Shaligram Ramchandra (West Khandesh).

Bhatkar, Shri Laxman Shrawan (Buldana-Akola — Reserved — Sch. Castes).

Bhatt, Shri Chandrashanker (Broach).

Bhawani Singh, Shri (Barmer-Jalore).

Bheekha Bhai, Shri (Banswara-Dungarpur—Reserved—Sch. Tribes).

Bhoi, Shri Giridhari (Kalahandi-Bolangir—Reserved—Sch. Tribes).

Bhonsle, Shri Jagannathrao Krishna rao (Ratnagiri North).

Bidari, Shri Ramappa Balappa (Bijapur South).

Birbal Singh, Shri [Jaunpur Distt.—(East)].

Bogawat, Shri U. R. (Ahmednagar South).

Boovaraghasamy, Shri V. (Perambalur).

Borooah, Shri Dev Kanta (Nowgong).

Bose, Shri P. C. (Manbhum North).

Brajeshwar Prasad, Shri (Gaya East).

Brohmo-Chaudhury, Shri Sitanath (Goalpara-Garo Hills—Reserved—Sch. Tribes).

Buchhikotaiah, Shri Sanaka (Masulipatnam).

C

Chakravartty, Shrimati Renu (Basirhat).

Chanda, Shri Anil Kumar (Birbhum).

Chandak, Shri B. L. (Betul).

Chandrasekhar, Shrimati M. (Tiruvallur—Reserved—Sch. Castes).

Charak, Shri Lakshman Singh (Jammu and Kashmir).

Chatterjea, Shri Tushar (Serampore).

Chatterjee, Dr. Susilranjan (West Dinajpur).

Chatterjee, Shri N. C. (Hooghly).

Chattopadhyaya, Shri Harindranath (Vijayavada).

Chaturvedi, Shri Rohanlal [Etah Distt.—(Central)].

Chaudhary, Shri Ganeshi Lal [Shahjahanpur Distt.—(North) *cum* Kheri—(East)—Reserved—Sch. Castes].

Chaudhuri, Shri Ranbir Singh (Rohtak).

Chaudhuri, Shri Rohini Kumar (Gauhati).

Chaudhuri, Shri Tridib Kumar (Berhampore).

Chavda, Shri Akbar (Banaskantha).

Chettiar, Shri T. S. Avinashilingam (Tiruppur).

Chettiar, Shri N. Vr. N. Ar. Nagappa (Ramanathapuram).

Chinaria, Shri Hira Singh (Mohindergarh).

Choudhuri, Shri Muhammed Shaffee (Jammu and Kashmir).

Chowdary, Shri C. R. (Narasaraopet).

Chowdhury, Shri Nikunja Behari (Ghatal).

D

Dabhi, Shri Fulsinhji B. (Kaira North).

Damar, Shri Amar Singh Sabji (Jhabua—Reserved—Sch. Tribes).

Damodaran, Shri G. R. (Pollachi).

Damodaran, Shri Nettur P. (Tellichery).

Das, Shri B. (Jajpur-Keonjhar).

Das, Shri Basanta Kumar (Contai).

Das, Shri Beli Ram (Barpeta).

Das, Shri Bijoy Chandra (Ganjam South).

D—*contd.*

Das, Shri Kamal Krishna (Birbhum—Reserved—Sch. Castes).

Das, Dr. Mono Mohon (Burdwan—Reserved—Sch. Castes).

Das, Shri Nayan Tara (Monghyr Sadr *cum* Jamui—Reserved—Sch. Castes).

Das, Shri Shree Narayan (Darbhanga Central).

Das, Shri Ramananda (Barrackpore).

Das, Shri Ram Dhani (Gaya East—Reserved—Sch. Castes).

Das, Shri Sarangadhar (Dhenkanal-West Cuttack).

Datar, Shri Balwant Nagesh (Belgaum North).

Deb, Shri Dasaratha (Tripura East).

Deb, Shri Suresh Chandra (Cachar-Lushai Hills).

Deo, H. H. Maharaja Rajendra Naravan Singh (Kalahandi-Bolangir).

Deo, Shri Chandikeshwar Sharan Singh Ju (Surguja-Raigarh).

Deogam, Shri Kanhu Ram (Chaibassa—Reserved—Sch. Tribes).

Desai, Shri Kanayalal Nanabhai (Surat).

Desai, Shri Khandubhai Kasanji (Halar).

Deshmukh, Dr. Panjabrao S. (Amravati East).

Deshmukh, Shri Chintaman Dwarkanath (Kolaba).

Deshmukh, Shri K. G. (Amravati West).

Deshpande, Shri Govind Hari (Nasik—Central).

Deshpande, Shri Vishnu Ghanashyam (Guna).

Dholakia, Shri Gulab Shankar Amritlal (Kutch East).

Dhulekar, Shri R. V. [Jhansi Distt.—(South)].

Dhusiya, Shri Sohan Lal [Basti Distt.—(Central East) *cum* Gorakhpur Distt.— (West— Reserved— Sch. Castes].

Digambar Singh, Shri [Etah Distt.—(West) *cum* Mainpuri Distt.—(West) *cum* Mathura Distt.—(East)].

Digvijaya Narain Singh, Shri (Muzaffarpur—North-East).

Dube, Shri Mulchand [Farrukhabad Distt. (North)].

Dube, Shri Udai Shankar [Basti Distt. (North)].

Dube, Shri Rajaram Giridharilal (Bijapur North).

Dutt, Shri Asim Krishna (Calcutta South-West).

Dutt, Shri Biren (Tripura West).

Dutta, Shri Santosh Kumar (Howrah).

Dwivedi, Shri Dashrath Prasad (Gorakhpur Distt.—Central).

Dwivedi, Shri M. L. (Hamirpur Distt.).

E

Ebenezer, Dr. S. A. (Vikarabad).

Elayaperumal, Shri L. (Cuddalore—Reserved—Sch. Castes).

F

Fotedar, Pandit Sheo Narayan (Jammu and Kashmir).

G

Gadgil, Shri Narhar Vishnu (Poona Central).

Gadilingana Gowd, Shri (Kurnool).

Ganapati Ram, Shri [Jaunpur Distt. (East)—Reserved—Sch. Castes].

Gandhi, Shri Feroze [Pratapgarh Distt. (West) *cum* Rae Bareli Distt. (East)].

Gandhi, Shri Maneklal Maganlal (Panch Mahals *cum* Baroda East).

Gandhi, Shri V. B. (Bombay City—North).

Ganga Devi, Shrimati (Lucknow Distt. *cum* Bara Banki Distt.—Reserved—Sch. Castes).

Garg, Shri Ram Pratap (Patiala).

Gautam, Shri C. D. (Balaghat).

Ghose, Shri Surendra Mohan (Malda).

Ghose, Shri Atulya (Burdwan).

G—*contd.*

Ghulam Qader, Kh. (Jammu and Kashmir).

Gidwani, Shri Choithram Partabrai (Thana).

Giri, Shri V. V. (Pathapatnam).

Girraj Saran Singh, Shri (Bharatpur-Sawai Madhopur).

Gohain, Shri Chowkhamoon (Nominated—Assam Tribal Areas).

Gopalan, Shri A. K. (Cannanore).

Gopi Ram, Shri (Mandi-Mahasu—Reserved—Sch. Castes).

Gounder, Shri K. Periaswami (Erode).

Gounder, Shri K. Sakthivadivel (Periyakulam).

Govind Das, Seth (Mandla-Jabalpur South).

Gowda, Shri T. Madiah (Bangalore—South).

Guha, Shri Arun Chandra (Santipur).

Gupta, Shri Badshah (Mainpuri Distt. —East).

Gupta, Shri Sadhan Chandra (Calcutta—South East).

Gurupadaswamy, Shri M. S. (Mysore).

H

Har Prasad Singh, Shri (Ghazipur Distt.—West).

Hari Mohan, Dr. (Manbhum North—Reserved—Sch. Castes).

Hari Shankar Prasad, Shri (Gorakhpur Distt.—North).

Hazarika, Shri Jogendra Nath (Dibrugarh).

Heda, Shri H. C. (Nizamabad).

Hembrom, Shri Lal (Santal Parganas *cum* Hazaribagh—Reserved—Sch. Tribes).

Hem Raj, Shri (Kangra).

Hifzur Rahman, Shri M. (Moradabad Distt.—Central).

Hukam Singh, Sardar (Kapurthala-Bhatinda).

Hyder Husein, Chaudhri (Gonda Distt. —North).

I

Ibrahim, Shri A. (Ranchi North-East).

Iyyani, Shri Eachran (Ponnani—Reserved—Sch. Castes).

Iyyunni, Shri C. R. (Trichur).

J

Jagjivan Ram, Shri (Shahabad South —Reserved—Sch. Castes).

Jain, Shri Ajit Prasad (Saharanpur Distt.—West *cum* Muzaffarnagar Distt.—North).

Jain, Shri Nemi Saran (Bijnor Distt. —South).

Jaipal Singh, Shri (Ranchi West—Reserved—Sch. Tribes).

Jaisoorya, Dr. N. M. (Medak).

Jajware, Shri Ramraj (Santal Parganas *cum* Hazaribagh).

Jangde, Shri Resham Lal (Bilaspur—Reserved—Sch. Castes).

Jatav-vir, Dr. Manik Chand (Bharatpur-Sawai Madhopur—Reserved—Sch. Castes).

Jayaraman, Shri A. (Tindivanam—Reserved—Sch. Castes).

Jena, Shri Kanhu Charan (Balasore—Reserved—Sch. Castes).

Jena, Shri Lakshmidhar (Jajpur-Keonjhar—Reserved—Sch. Castes).

Jena, Shri Niranjan (Dhenkanal-West Cuttack—Reserved—Sch. Castes).

Jethan, Shri Kherwar (Palamau *cum* Hazaribagh *cum* Ranchi—Reserved —Sch. Tribes).

Jhunjhunwala, Shri Banarsi Prashad (Bhagalpur Central).

Jogendra Singh, Sardar (Bahraich Distt.—West).

Joshi, Shri Jethalal Harikrishna (Madhya Saurashtra).

Joshi, Shri Krishnacharya (Yadgir).

Joshi, Shri Liladhar (Shajapur-Rajgarh).

J—*contd.*

Joshi, Shri Moreshwar Dinkar (Ratnagiri South).

Joshi, Shri Nandlal (Indore).

Joshi, Shrimati Subhadra (Karnal).

Jwala Prashad, Shri (Ajmer North).

K

Kachiroyar, Shri N. D. Govindaswami (Cuddalore).

Kajrolkar, Shri Narayan Sadoba (Bombay City—North—Reserved—Sch. Castes).

Kakkan, Shri P. (Madurai—Reserved—Sch. Castes).

Kale, Shrimati Anasuyabai (Nagpur).

Kamal Singh, Shri (Shahabad—North-West).

Kamaraj, Shri K. (Srivilliputhur).

Kandasamy, Shri S. K. Babie (Tiruchengode).

Kanungo, Shri Nityanand (Kendrapara).

Karmarkar, Shri D. P. (Dharwar—North).

Karni Singhji, His Highness Maharaja Sri Bahadur of Bikaner (Bikaner-Churu).

Kasliwal, Shri Nemi Chandra (Kotah-Jhalawar).

Katham, Shri Birendranath (North Bengal—Reserved—Sch. Tribes).

Katju, Dr. Kailas Nath (Mandsaur).

Kazmi, Shri Syed Mohammad Ahmad (Sultanpur Distt.—North *cum* Faizabad Distt.—South West).

Kelappan, Shri K. (Ponnani).

Keshavaiengar, Shri N. (Bangalore—North).

Keskar, Dr. B. V. (Sultanpur Distt.—South).

Khan, Shri Sadath Ali (Ibrahimpatnam).

Khan, Shri Shahnawaz (Meerut Distt.—North East).

Khardekar, Shri B. H. (Kolhapur *cum* Satara).

Khare, Dr. N. B. (Gwalior).

Khedkar, Shri Gopalrao Bajirao (Buldana-Akola).

Khimji, Shri Bhawanji A. (Kutch West).

Khongmen, Shrimati B. (Autonomous Distts.—Reserved—Sch. Tribes).

Kidwai, Shri Rafi Ahmad (Bahraich Distt.—East).

Kirolikar, Shri Wasudeo Shridhar (Durg).

Kolay, Shri Jagannath (Bankura).

Kosa, Shri Muchaki (Bastar—Reserved—Sch. Tribes).

Kottukappally, Shri George Thomas (Meenachil).

Kripalani, Acharya J. B. (Bhagalpur *cum* Purnea).

Kripalani, Shrimati Sucheta (New Delhi).

Krishna, Shri M. R. (Karimnagar—Reserved—Sch. Castes).

Krishna Chandra, Shri (Mathura Distt.—West).

Krishnamachari, Shri T. T. (Madras).

Krishnappa, Shri M. V. (Kolar).

Krishnaswami, Dr. A. (Kancheepuram).

Kureel, Shri Baij Nath (Pratapgarh Distt.—West *cum* Rae Bareli Distt.—East—Reserved—Sch. Castes).

L

Lakshmayya, Shri Paidi (Anantapur).

Lallanji, Shri (Faizabad Distt.—North West).

Lal Singh, Sardar (Ferozepur-Ludhiana).

Lanka Sundaram, Dr. (Visakhapatnam).

Laskar, Shri Nibaran Chandra (Cachar-Lushai Hills—Reserved—Sch. Castes).

Laisram Jogeswar Singh, Shri (Inner Manipur).

Lingam, Shri N. M. (Coimbatore).

Lotan Ram, Shri (Jalaun Distt. *cum* Etawah Distt.—West *cum* Jhansi Distt.—North — Reserved — Sch. Castes).

M

Mahapatra, Shri Sibnarayan Singh (Sundargarh — Reserved — Sch. Tribes).

M—*contd.*

Mahata, Shri Bhajahari (Manbhum South *cum* Dhalbhum).

Mahendra Nath Singh, Shri (Saran Central).

Mahodaya, Shri Vaijanath (Nimar).

Mahtab, Shri Harekrushna (Cuttack).

Majhi, Shri Chaitan (Manbhum—South *cum* Dhalbhum—Reserved—Sch. Tribes).

Majhi, Shri Ram Chandra (Mayurbhanj—Reserved—Sch. Tribes).

Majithia, Sardar Surjit Singh (Tarn Taran).

Malliah, Shri Srinivasa U. (South Kanara—North).

Malludora, Shri Gam (Visakhapatnam —Reserved—Sch. Tribes).

Malvia, Shri Bhagu-Nandu (Shajapur-Rajgarh—Reserved—Sch. Castes).

Malviya, Shri Motilal (Chhatarpur-Datia-Tikamgarh — Reserved — Sch. Castes).

Malviya, Pandit Chatur Narain (Raisen).

Malaviya, Shri Keshava Deva (Gonda Distt.—East *cum* Basti Distt.—West)

Mandal, Dr. Pashupati (Bankura—Reserved—Sch. Castes).

Mascarene, Kumari Annie (Trivandrum).

Masuriya Din, Shri (Allahabad Distt. —East *cum* Jaunpur Distt.—West—Reserved—Sch. Castes).

Mathew, Prof. C. P. (Kottayam).

Mathuram, Dr. Edward Paul (Tiruchirapalli).

Mathen, Shri C. P. (Thiruvellah).

Mavalankar, Shri G. V. (Ahmedabad).

Maydeo, Shrimati Indira A. (Poona—South).

Mehta, Shri Balvantray Gopaljee (Gohilwad).

Mehta, Shri Balwant Sinha (Udaipur).

Mehta, Shri Jaswantraj (Jodhpur).

Menon, Shri K. A. Damodara (Kozhikode).

Minimata, Shrimati (Bilaspur-Durg-Raipur—Reserved—Sch. Castes).

Mishra, Pandit Suresh Chandra (Monghyr—North-East).

Mishra, Shri Bibhuti (Saran *cum* Champaran).

Mishra, Shri Lalit Narayan (Darbhanga *cum* Bhagalpur).

Mishra, Shri Lokenath (Puri).

Mishra, Shri Mathura Prasad (Monghyr—North-West).

Mishra, Shri Shyam Nandan (Darbhanga—North).

Mishra, Shri Sarju Prasad (Deoria Distt.—South).

Misra, Shri Raghubar Dayal (Bulandshahr Distt.).

Misra, Pandit Lingaraj (Khurda).

Misra, Shri Bhupendra Nath (Bilaspur-Durg-Raipur).

Missir, Shri Vijineshwar (Gaya—North).

Mohammad Saeed Masuodi, Maulana (Jammu and Kashmir)

Morarka, Shri Radheshyam Ramkumar (Ganganagar-Jhunjhunu).

More, Shri K. L. (Kolhapur *cum* Satara—Reserved—Sch. Castes).

More, Shri Shankar Shantaram (Sholapur).

Mudaliar, Shri C. Ramaswamy (Kumbakonam).

Muhammad Islamuddin, Shri (Purnea North-East).

Muhammed Khuda Bukhsh, Shri (Murshidabad).

Mukerji, Shri Hirendra Nath (Calcutta—North-East).

Mukne, Shri Y. M. (Thana—Reserved —Sch. Tribes).

Murli Manohar, Shri (Ballia Distt.—East).

Murthy, Shri B. S. (Eluru).

Musafir, Shri Gurmukh Singh (Amritsar).

M—*contd.*

Mushar, Shri Kirai (Bhagalpur *cum* Purnea—Reserved—Sch. Castes).

Muthukrishnan, Shri M. (Vellore—Reserved—Sch. Castes).

N

Naidu, Shri Nalla Reddi (Rajahmundry).

Nair, Shri C. Krishnan (Outer Delhi).

Nair, Shri N. Sreekantan (Quilon *cum* Mavelikkara).

Nambiar, Shri K. Ananda (Mayuram).

Nanadas, Shri Mangalagiri (Ongole—Reserved—Sch. Castes).

Nanda, Shri Gulzarilal (Sabarkantha).

Narasimham, Shri S. V. L. (Guntur).

Narasimhan, Shri C. R. (Krishnagiri).

Naskar, Shri Purnendu Sekhar (Diamond Harbour—Reserved—Sch. Castes).

Natawadkar, Shri Jayantrao Ganpat (West Khandesh—Reserved—Sch. Tribes).

Natesan, Shri P. (Tiruvallur).

Nathani, Shri Hari Ram (Bhilwara).

Nathwani, Shri Narendra P. (Sorath).

Nayar, Shrimati Shakuntala (Gonda Distt.—West).

Nayar, Shri V. P. (Chirayinkil).

Nehru, Shri Jawaharlal (Allahabad Distt.—East *cum* Jaunpur Distt.—West).

Nehru, Shrimati Uma (Sitapur Distt. *cum* Kheri Distt.—West).

Nesamony, Shri A. (Nagercoil).

Neswi, Shri T. R. (Dharwar—South).

Nevatia, Shri R. P. (Shahjahanpur Distt.—North *cum* Kheri—East).

Nijalingappa, Shri S. (Chitaldrug).

P

Palchoudhury, Shrimati Ila (Nabadwip).

Pande, Shri C. D. (Naini Tal Distt. *cum* Almora Distt.—South West *cum* Bareilly Distt.—North).

Pandey, Dr. Natabar (Sambalpur).

Pandit, Shrimati Vijaya Lakshmi (Lucknow Distt.—Central).

Panna Lal, Shri (Faizabad Distt.—North-West—Reserved—Sch. Castes).

Pant, Shri Devi Datt (Almora Distt.—North-East).

Paragi Lal, Chaudhari (Sitapur Distt. *cum* Kheri Distt.—West—Reserved—Sch. Castes).

Paranjpe, Shri R. G. (Bhir).

Parekh, Dr. Jayantilal Narvaram (Zalawad).

Parikh, Shri Shantilal Girdharilal (Mehsana—East).

Parmar, Shri Rupaji Bhavji (Panch Mahals *cum* Baroda East—Reserved—Sch. Tribes).

Pataskar, Shri Hari Vinayak (Jalgaon).

Patel, Shri Bahadurbhai Kunthabhai (Surat—Reserved—Sch. Tribes).

Patel, Shrimati Maniben Vallabhbhai (Kaira—South).

Patel, Shri Rajeshwar (Muzaffarpur *cum* Darbhanga).

Pateria, Shri Sushil Kumar (Jabalpur North).

Pathrikar, Dr., Devrao Namdevrao (Nanded—Reserved—Sch. Castes).

Patil, Shri P. R. Kanavade (Ahmednagar—North).

Patil, Shri S. K. (Bombay City—South).

Patil, Shri Shankargauda Veeranagauda (Belgaum—South).

Patnaik, Shri Uma Charan (Ghumsur).

Pawar, Shri Vyankatrao Pirajirao (South Satara).

Pillai, Shri P. T. Thanu (Tirunelveli).

Pocker Saheb, Janab B. (Malappuram).

Prabhakar, Shri Naval (Outer Delhi—Reserved—Sch. Castes).

Punnoose, Shri P. T. Alleppey).

R

Rachiah, Shri N. (Mysore—Reserved—Sch. Castes).

Radha Raman, Shri (Delhi City).

Raghavachari, Shri K. S. (Penukonda).

Raghavaiah, Shri Pisupati Venkata (Ongole).

Raghubir Singh, Choudhary (Agra Distt.—East).

Raghunath Singh, Shri (Banaras Distt. —Central).

Raghuramaiah, Shri Kotha (Tenali).

Raiji, Shrimati Jayashri (Bombay—Suburban).

Raj Bahadur, Shri (Jaipur-Sawai Madhopur).

Rajabhoj, Shri P. N. (Sholapur—Reserved—Sch. Castes).

Ramachander, Dr. D. (Vellore).

Ramasami, Shri M. D. (Arruppukkottai).

Ramaseshaiah, Shri N. (Parvathipuram).

Ramaswamy, Shri P. (Mahbubnagar—Reserved—Sch. Castes).

Ramaswamy, Shri S. V. (Salem).

Ram Dass, Shri (Hoshiarpur—Reserved —Sch. Castes).

Ram Nagina Singh, Shri (Ghazipur Distt.—East *cum* Ballia Distt.—South West).

Ramnarayan Singh, Babu (Hazaribagh—West).

Ram Saran, Shri (Moradabad Distt.—West).

Ram Shankar Lal, Shri (Basti Distt.—Central East *cum* Gorakhpur Distt. —West).

Ram Subhag Singh, Dr. (Shahabad —South).

Randaman Singh, Shri (Shahdol-Sidhi—Reserved—Sch. Tribes).

Rane, Shri Shivram Rango (Bhusaval).

Ranjit Singh, Shri (Sangrur).

Rao, Diwan Raghavendra (Osmanabad).

Rao, Dr. Ch. V. Rama (Kakinada).

Rao, Shri B. Rajagopala (Srikakulam).

Rao, Shri B. Shiva (South Kanara—South).

Rao, Shri Kadyala Gopala (Gudivada).

Rao, Shri Kanety Mohana (Rajahmundry—Reserved—Sch. Castes).

Rao, Shri Kondru Subba (Eluru—Reserved—Sch. Castes).

Rao, Shri Pendyal Raghava (Warangal).

Rao, Shri P. Subba (Nowrangpur).

Rao, Shri Rayasam Seshagiri (Nandyal).

Rao, Shri T. B. Vittal (Khammam).

Raut, Shri Bhola (Saran *cum* Champaran — Reserved — Sch. Castes).

Razmi, Shri Said Ullah Khan (Sehore).

Reddi, Shri B. Ramachandra (Nellore).

Reddi, Shri Baddam Yella (Karimnagar).

Reddi, Shri C. Madhao (Adilabad).

Reddi Shri Y. Eswara (Cuddapah).

Reddy, Shri K. Janardhan (Mahbubnagar).

Reddy, Shri Ravi Narayan (Nalgonda).

Reddy, Shri T. N. Vishwanatha (Chittoor).

Richardson, Bishop John (Nominated —Andaman and Nicobar Islands).

Rishang Keishing, Shri (Outer Manipur—Reserved—Sch. Tribes).

Roy, Dr. Satyaban (Ulberia).

Roy, Shri Biswa Nath (Deoria Distt. —West).

Roy, Shri Patiram (Basirhat—Reserved—Sch. Castes).

Rup Narain, Shri (Mirzapur Distt. *cum* Banaras Distt.—West—Reserved—Sch. Castes).

S

Saha, Shri Meghnad (Calcutta—North-West).

Sahai, Shri Raghubir (Etah Distt.—North-East *cum* Budaun Distt.—East).

Sahaya, Shri Syamnandan (Muzaffarpur—Central).

Sahu, Shri Bhagabat (Balasore).

Sahu, Shri Rameshwar (Muzaffarpur *cum* Darbhanga—Reserved—Sch. Castes).

Saigal, Sardar Amar Singh (Bilaspur).

Saksena, Shri Mohanlal (Lucknow Distt. *cum* Bara Banki Distt.).

Samanta, Shri Satis Chandra (Tamluk).

Sanganna, Shri T. (Rayagada-Phulbani—Reserved—Sch. Tribes).

Sankarapandian, Shri M. (Sankaranayinarkovil).

Sarmah, Shri Debeswar (Golaghat-Jorhat).

Sathianathan, Shri N. (Dharmapuri).

Satish Chandra, Shri (Bareilly Distt. —South).

Satyawadi, Dr. Virendra Kumar (Karnal—Reserved—Sch. Castes).

Sen, Shrimati Sushama (Bhagalpur —South).

Sen, Shri Phani Gopal (Purnea —Central).

Sen, Shri Raj Chandra (Kotah-Bundi).

Sewal, Shri A. R. (Chamba-Sirmur).

Shah, Her Highness Rajmata Kamalendu Mati (Garhwal Distt.—West *cum* Tehri Garhwal Distt. *cum* Bijnor Distt.—North).

Shah, Shri Chimanlal Chakubhai (Gohilwad-Sorath).

Shah, Shri Raichand Bhai N. (Chhindwara).

Sharma, Pandit Balkrishna (Kanpur Distt.—South *cum* Etawah Distt.—East).

Sharma, Pandit Krishna Chandra (Meerut Distt.—South).

Sharma, Shri Diwan Chand (Hoshiarpur).

Sharma, Shri Khushi Ram (Meerut Distt.—West).

Sharma, Shri Nand Lal (Sikar).

Sharma, Shri Radha Charan (Morena-Bhind).

Shastri, Pandit Algu Rai (Azamgarh Distt.—East *cum* Ballia Distt.—West).

Shastri, Shri Bhagwandutt (Shahdol-Sidhi).

Shastri, Swami Ramanand (Unnao Distt. *cum* Rae Bareli Distt.—West *cum* Hardoi Distt.—South East—Reserved—Sch. Castes).

Shivananjappa, Shri M. K. (Mandya).

Shobha Ram, Shri (Alwar).

Shukla, Pandit Bhagwaticharan (Durg-Bastar).

Siddananjappa, Shri H. (Hassan-Chikmagalur).

Singhal, Shri Shri Chand (Aligarh Distt.).

Sinha, Dr. Satyanarain (Saran—East).

Sinha, Shri Anirudha (Darbhanga—East).

Sinha, Shri Awadheshwar Prasad (Muzaffarpur—East).

Sinha, Shri Banarsi Prasad (Monghyr Sadr *cum* Jamui).

Sinha, Shri Gajendra Prasad (Palamau *cum* Hazaribagh *cum* Ranchi).

Sinha, Shri Jhulan (Saran—North).

Sinha, Shri Kailash Pati (Patna—Central).

Sinha, Shri Nageshwar Prasad (Hazaribagh—East).

Sinha, Shri S. (Pataliputra).

Sinha, Shri Satya Narayan (Samastipur—East).

Sinha, Shri Satyendra Narayan (Gaya—West).

Sinha, Shrimati Tarakeshwari (Patna —East).

S—*contd.*

Sinha, Thakur Jugal Kishore (Muzaffarpur—North-West).

Sinhasan Singh, Shri (Gorakhpur Distt.—South).

Siva, Dr. M. V. Gangadhara (Chittoor —Reserved—Sch. Castes).

Snatak, Shri Nardeo (Aligarh Distt.—Reserved—Sch. Castes).

Sodhia, Shri Khub Chand (Sagar).

Sofi, Shri Mohd. Akber (Jammu and Kashmir).

Somana, Shri N. (Coorg).

Somani, Shri G. D. (Nagaur-Pali).

Soren, Shri Paul Jujhar (Purnea *cum* Santal Parganas—Reserved—Sch. Tribes).

Subrahmanyam, Shri Kandala (Vizianagaram).

Subrahmanyam, Shri Tekur (Bellary).

Sundar Lall, Shri (Saharanpur Distt. —West *cum* Muzaffarnagar Distt.—North—Reserved—Sch. Castes).

Suresh Chandra, Dr. (Aurangabad).

Suriya Prashad, Shri (Morena-Bhind —Reserved—Sch. Castes).

Swaminadhan, Shrimati Ammu (Dindigul).

Swami, Shri Sivamurthi (Kushtagi).

Swamy, Shri N. R. M. (Wandiwash).

Syed Ahmed, Shri (Hoshangabad).

Syed Mahmud, Dr. (Champaran—East).

T

Talib, Shri Piare Lal Kureel (Banda Distt. *cum* Fatehpur Distt.—Reserved—Sch. Castes).

Tandon, Shri Purushottamdas [Allahabad Distt. (West)].

Tek Chand, Shri (Ambala-Simla).

Telkikar, Shri Shankar Rao (Nanded).

Tewari, Sardar Raj Bhanu Singh (Rewa).

Thimmaiah, Shri Dodda (Kolar-Reserved—Sch. Castes).

Thirani, Shri G. D. (Bargarh).

Thirukuralar, Shri V. Muniswamy Avl. (Tindivanam).

Thomas, Shri A. M. (Ernakulam).

Thomas, Shri A. V. (Srivaikuntam).

Tirtha, Swami Ramananda (Gulberga).

Tivary, Shri Venkatesh Narayan (Kanpur Distt.—North *cum* Farrukhabad Distt.—South).

Tiwari, Pandit B. L. (Nimar).

Tiwari, Shri Ram Sahai (Chhatarpur-Datia-Tikamgarh).

Tiwary, Pandit Dwarka Nath (Saran South).

Tribhuan Narayan Singh, Shri (Banaras Distt.—East).

Tripathi, Shri Hira Vallabh (Muzaffarnagar Distt.—South).

Tripathi, Shri Kamakhya Prasad (Darrang).

Tripathi, Shri Vishwambhar Dayal (Unnao Distt. *cum* Rae Bareli Distt. —West *cum* Hardoi Distt.—South East).

Trivedi, Shri Umashanker Muljibhai (Chittoor).

Tudu, Shri Bharat Lal (Midnapore-Jhargram—Reserved—Sch. Tribes).

Tulsidas Kilachand, Shri (Mehsana—West).

Tyagi, Shri Mahavir (Dehra Dun Distt. *cum* Bijnor Distt.—North West *cum* Saharanpur Distt.—West).

U

Uikey, Shri M. G. (Mandla-Jabalpur—South—Reserved—Sch. Tribes).

Upadhyay, Pandit Munishwar Dutt (Pratapgarh Distt.—East).

Upadhyay, Shri Shiva Datt (Satna).

Upadhyay, Shri Shiva Dayal (Banda Distt. *cum* Fatehpur Distt.).

V

Vaishnav, Shri Hanamantrao Ganeshrao (Ambad).

V — *contd.*

Vaishya, Shri Muldas Bhudardas (Ahmedabad — Reserved — Sch. Castes).

Vallatharas, Shri K. M. (Pudukottai).

Varma, Shri B. B. (Champaran North).

Varma, Shri Bulaqi Ram (Hardoi Distt.—North-West *cum* Farrukhabad Distt.—East *cum* Shahjahanpur Distt. — South — Reserved — Sch. Castes).

Veeraswamy, Shri V. (Mayuram—Reserved—Sch. Castes).

Velayudhan, Shri R. (Quilon *cum* Mavelikkara — Reserved — Sch. Castes).

Venkataraman, Shri R. (Tanjore).

Verma, Shri Manik Lal (Tonk).

Verma, Shri Ramji (Deoria Distt.—East).

Vidyalankar, Shri Amarnath (Jullundur).

Vishwanath Prasad, Shri (Azamgarh Distt. — West — Reserved — Sch. Castes).

Vyas, Shri Radhelal (Ujjain).

W

Waghmare, Shri Narayan Rao (Parbhani).

Wilson, Shri J. N. (Mirzapur Distt. *cum* Banaras Distt.—West).

Wodeyar, Shri K. G. (Shimoga).

Z

Zaidi, Col. B. H. (Hardoi Distt.—North-West *cum* Farrukhabad Distt.—East *cum* Shahjahanpur Distt.—South).

HOUSE OF THE PEOPLE

The Speaker

Shri G. V. Mavalankar.

The Deputy-Speaker

Shri M. Ananthasayanam Ayyangar.

Panel of Chairmen

Pandit Thakur Das Bhargava.
Shrimati Ammu Swaminadhan.
Shri Hari Vinayak Pataskar.
Sardar Hukam Singh.
Shrimati Renu Chakravartty.
Shrimati B. Khongmen.

Secretary

Shri M. N. Kaul, Barrister-at-Law.

Committee on Petitions

Pandit Thakur Das Bhargava (*Chairman*).
Shrimati Renu Chakravartty.
Shri Asim Krishna Dutt.
Shri C. P. Mathew.
Shri P. N. Rajabhoj.

Public Accounts Committee

Shri B. Das (*Chairman*).
Shri Ranbir Singh Chaudhuri.
Shri Hari Vinayak Pataskar.
Shri Tribhuan Narayan Singh.
Shri M. L. Dwivedi.
Pandit Munishwar Dutt Upadhyay.
Shri Shriman Narayan Agarwal.
Shri Shree Narayan Das.
Shri B. Ramachandra Reddi.
Shri Uma Charan Patnaik.
Pandit Krishna Chandra Sharma.
Shri K. M Vallatharas.
Shri V. P. Nayar.
Shri G. D Somani.

Estimates Committee

Shri M. Ananthasayanam Ayyangar (*Chairman*).
Shri Sarangadhar Das.
Shri Radhelal Vyas.
Shri Debeswar Sarmah.
Shri Nityanand Kanungo.
Pandit Balkrishna Sharma.
Shri Shivram Rango Rane.

Shri V. B. Gandhi.
Shri Upendranath Barman.
Shri R. Venkataraman.
Shri Balvantray Gopaljee Mehta.
Dr. Syed Mahmud.
Pandit Thakur Das Bhargava.
Shri C. P. Mathew.
Shri U. Srinivasa Malliah.
Shri Rayasam Seshagiri Rao.
Shri Ahmed Mohiuddin.
Shri Girraj Saran Singh.
Dr. Suresh Chandra.
Shri Mohan Lal Saksena.
Dr. Lanka Sundaram.
Shri Kadyala Gopala Rao.
Shri V. Muniswamy Avl. Thirukkuralar.
Shri P. N. Rajabhoj.
Sardar Lal Singh.

Business Advisory Committee

Shri G. V. Mavalankar (*Chairman*).
Shri M. Ananthasayanam Ayyangar.
Shri Satya Narayan Sinha.
Shri Harekrushna Mahtab.
Shri Narahar Vishnu Gadgil.
Shri Dev Kanta Borooah.
Shri Hari Vinayak Pataskar.
Col. B. H. Zaidi.
Shrimati Ammu Swaminadhan.
Shri P. T. Punnoose.
Shri Sarangadhar Das.
Sardar Hukam Singh.
Shri Chandikeshwar Sharan Singh Ju Deo.
Dr. Lanka Sundaram.

Committee of Privileges

Dr. Kailas Nath Katju (*Chairman*).
Shri Satya Narayan Sinha.
Shri A. K. Gopalan.
Shrimati Sucheta Kripalani.
Shri Sarangadhar Das.
Shri B. Shiva Rao.
Shri R. Venkataraman.
Dr. Syed Mahmud.
Shri Radhelal Vyas.

Rules Committee

Shri G. V. Mavalankar (*Chairman*).
Shri M. Ananthasayanam Ayyangar.
Pandit Thakur Das Bhargava.
Shri Satya Narayan Sinha.
Chaudhri Hyder Husein.
Shri O. V. Alagesan.
Pt. Algu Rai Shastri

Shri A. K. Basu.
Shri Shivram Rango Rane.
Dr. N. M. Jaisoorya.
Shri K. Kelappan.
Shri N. C. Chatterjee
H. H. Maharaja Rajendra Narayan Singh Deo.
Shri Jaipal Singh.
Shri K. Subrahmanyam.

House Committee

Shri U. Srinivasa Malliah (*Chairman*).
Shri Tribhuan Narayan Singh.
Shri Upendranath Barman.
Shri Awadheshwar Prasad Sinha.
Shrimati Ammu Swaminadhan.
Col. B. H. Zaidi.
Shri Tulsidas Kilachand.
Shri Hirendra Nath Mukerjee.
Shri K. A. Damodara Menon.
Shri Sarangadhar Das.
Shri Gurmukh Singh Musafir.
Shri Tekur Subrahmanyam.

Library Committee

Shri M. Ananthasayanam Ayyangar (*Chairman*).
Shrimati Suchèta Kripalani.
Shri M. L. Dwivedi.
Shri Uma Charan Patnaik.
Shri M. D. Joshi.
Shri Hirendra Nath Mukerjee.
Shri V. N. Tivary.
Shri Hriday Nath Kunzru.
Shri R. D. Sinha Dinkar.
Dr. Shrimati Seeta Permanand.

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Members of the Cabinet

Prime Minister, Minister of External Affairs and Defence—**Shri Jawaharlal Nehru.**

Minister of Education and Natural Resources and Scientific Research—Maulana Abul Kalam Azad.

Minister of Communications—Shri Jagjivan Ram.

Minister of Health—Rajkumari Amrit Kaur.

Minister of Finance—Shri Chintaman Dwarkanath Deshmukh.

Minister of Planning and Irrigation and Power—Shri Gulzarilal Nanda.

Minister of Home Affairs and States—Dr. Kailas Nath Katju.

Minister of Food and Agriculture—Shri Rafi Ahmad Kidwai.

Minister of Commerce and Industry—Shri T. T. Krishnamachari.

Minister of Law and Minority Affairs—Shri C. C. Biswas.

Minister of Railways and Transport—Shri Lal Bahadur Shastri.

Minister of Works, Housing and Supply—Sardar Swaran Singh.

Minister of Labour—Shri V. V. Giri.

Minister of Production—Shri K. C. Reddy.

Ministers of Cabinet Rank (but not members of the Cabinet)

Minister of Parliamentary Affairs—Shri Satya Narayan Sinha.

Minister of Rehabilitation—Shri Ajit Prasad Jain.

Minister of Defence Organisation—Shri Mahavir Tyagi.

Minister of Information and Broadcasting—Dr. B. V. Keskar.

Minister of Commerce—Shri D. P. Karmarkar.

Minister of Agriculture—Dr. Panjabrao S. Deshmukh.

Deputy Ministers

Deputy Minister of Communications—Shri Raj Bahadur.

Deputy Minister of Natural Resources and Scientific Research—Shri K. D. Malaviya.

Deputy Minister of Defence—Sardar Surjit Singh Majithia.

Deputy Minister of Home Affairs—Shri Balwant Nagesh Datar.

Deputy Minister of Labour—Shri Abid Ali.

Deputy Minister of Finance—Shri Maulal Chaturbhai Shah.

Deputy Minister of Rehabilitation—Shri Jagannathrao Krishnarao Bhonsle.

Deputy Minister of Railways and Transport—Shri O. V. Alagesan.

Deputy Minister of Health—Shrimati M. Chandrasekhar.

Deputy Minister of External Affairs—Shri Anil Kumar Chanda.

Deputy Minister of Food and Agriculture—Shri M. V. Krishnappa.

Deputy Minister of Irrigation and Power—Shri Jai Sukh Lal Hathi.

Deputy Minister of Defence—Shri Satish Chandra.

Deputy Minister of Finance—Shri Arun Chandra Guha.

THE

PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

Vol. I Second Day of the Sixth Session of First Parliament of India No. 1

HOUSE OF THE PEOPLE

Tuesday, 16th February, 1954.

The House met at Two of the Clock.

[MR. SPEAKER (SHRI G. V. MAVALANKAR) *in the Chair*]

ORAL ANSWERS TO QUESTIONS

STEEL PRICES

*1. **Shri M. L. Dwivedi:** (a) Will the Minister of **Commerce and Industry** be pleased to state the reasons for increasing the price of steel produced by the Tata Iron and Steel Company?

(b) What were the prices of such steel per ton in 1939, 1946, 1947, 1949 and 1952 and what is the present price, giving in each case the production cost per ton?

(c) How did this case come up for examination by the Tariff Commission?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (c). The Company made representations that their costs of production had gone up on account of increases in the prices of raw materials and labour charges and higher freight. The Government, therefore, referred their case to the Tariff Commission for detailed investigation into the costs of the Company and for making their recommendation regarding fair retention prices. Suitable increase in the retention prices previously fixed was allowed by the Government, having regard to the Tariff Commission's recommendations.

(b) A statement is laid on the Table of the House. [*See* Appendix I, annexure No. 1.]

Shri M. L. Dwivedi: May I know if it is a fact that the price of steel at the Mysore Iron Factory was more than the price of the Tata steel, and it was for this reason that the price has been increased?

Shri T. T. Krishnamachari: The answer to the first part of the question is in the affirmative and the answer to the second part is in the negative.

Shri M. L. Dwivedi: How is it that the price of steel has risen to double or treble since 1946?

Shri T. T. Krishnamachari: It has not been trebled—it has not yet been doubled. But the cost of production has gone up.

Shri M. L. Dwivedi: The works cost as mentioned in the statement is Rs. 192/13/0, whereas the retention price is Rs. 331/-. How are we to account for this increase of Rs. 138/3/0 per ton?

Shri T. T. Krishnamachari: The works cost happened to be the cost of production without taking into account depreciation, interest, return on

capital, management and all the overheads. Therefore, there is a disparity.

Shri Heda: Is it a fact that the difference between the factory price and the price in the market is about Rs. 200 per ton, or about 40 per cent. of the cost price?

Shri T. T. Krishnamachari: That is not a fact. The difference in price in the case of what we call basic steel, *i.e.* 'merchant steel', is as follows: Tata's retention price Rs. 331 and market price Rs. 393.

COTTON TEXTILE INDUSTRY

*3. **Th. Lakshman Singh Charak:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether any report has been submitted to Government on the Cotton Textile Industry by the committee under the Chairmanship of Shri Nityanand Kanungo; and

(b) if not, how soon it is expected?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (b). No, Sir. It is likely to be received before the middle of this year.

Th. Lakshman Singh Charak: May I know what is the reason for the delay in the submission of this report?

Shri T. T. Krishnamachari: Committees are appointed and the work goes on. They have to collect a lot of data. In this particular instance, a lot of investigation had to be made in regard to the statistical data, on which the Committee could base its report. Some delay did occur in the statistical data being collected.

Th. Lakshman Singh Charak: Could we expect the report by the end of this session?

Shri T. T. Krishnamachari: It is my hope that that expectation will be fulfilled.

LOW COST FURNITURE

*5. **Sardar A. S. Saigal:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether it is a fact that a competition for designs for low cost furniture was held in Delhi;

(b) how many entries were there;

(c) who came up to the standard;

(d) whether any prize was given; and

(e) if so, the name of the competitor who won the prize?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) Yes, Sir, in connection with the Low-cost Housing Exhibition.

(b) Eight.

(c) to (e). The assessors were of the opinion that none of the designs submitted was of a standard high enough to justify the award of the President's Gold Medal. The design submitted by Shrimati Urmila E. Chowdhury was adjudged to be the best among the designs received and she has been awarded the President's Silver Medal.

Sardar A. S. Saigal: May I know what steps Government propose to take to popularise the low-cost furniture?

Sardar Swaran Singh: By encouraging it.

EXPORT OF CORRUGATED SHEETS TO NEPAL

*6. **Shri Nanadas:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether any firm in Calcutta has been granted export permit for supply of corrugated sheets for the year 1952-53 or 1953-54 to Nepal;

(b) if so, the quantity covered by the export permit and the value thereof; and

(c) whether any complaints have been received against this firm alleging malpractices in the export of corrugated sheets?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Yes, Sir. More than one Calcutta firm were granted export permits.

(b)—

	Quantity	Approximate Value
1952-53	..301 tons	Rs. 1,95,650
1953-54	..487·5 tons	Rs. 3,16,900

(c) No complaint has been received against any of the Firms which have been granted export licences.

Shri Nanadas: May I know whether Government are aware of the fact that a letter has been addressed to the Prime Minister and a copy of the letter has been sent to all party leaders? It has also been sent to the Minister of Commerce and Industry. I have got a copy of the letter with me.

Mr. Speaker: A letter may have been sent, but what is the point of the enquiry?

Shri Nanadas: The point is that the hon. Minister says that he has not received any complaint against any company from Calcutta, and here is the letter of complaint that I have received.

Shri T. T. Krishnamachari: We get anonymous complaints and some investigations are made. If the reference is to an anonymous complaint, I should say yes, but no specific complaint in writing by anybody who is prepared to affix his signature to the complaint has been received.

Shri Nanadas: It is not anonymous.

Mr. Speaker: Whatever it may be. The hon. Minister says that he has received anonymous complaints. He may not have received this particular complaint which the hon. Member has in his possession.

Shri Nanadas: May I know from which railway stations generally the iron sheets are exported to Nepal?

Shri T. T. Krishnamachari: From the railway stations in the area of the producing concern.

Shri Nanadas: May I know whether any duty is imposed by the Government of India as well as the Government of Nepal on the transport of this steel to Nepal?

Shri T. T. Krishnamachari: So far as the Government of Nepal is concerned, I am unable to give the information. So far as the Government of India is concerned, we had an export duty on steel, but we did not levy an export duty in regard to goods that went internally through land customs.

Shri G. P. Sinha: Are Government aware that there is a shortage of corrugated sheets in India and they are not available in the market here?

Shri T. T. Krishnamachari: It may be so.

Shri Nanadas: May I know whether Government are aware of the fact that galvanized corrugated sheets are generally black-marketed to East Pakistan? Do they know that some quantity allotted to Nepal is disposed of in the black-market in Calcutta?

Shri T. T. Krishnamachari: That allegation in regard to what has been allocated to Nepal has been received and the matter is being enquired into. In regard to the generalised proposition that these sheets are black-marketed, it depends on the circumstances prevailing. Sometimes, the demand is slack and there is no black-marketing. At other times, the demand is great and perhaps there is black-marketing.

PANCHAYATS AND CO-OPERATIVES

***8. Shri Jhulan Sinha:** Will the Minister of **Planning** be pleased to state how far the recommendations of the Planning Commission in the first Five Year Plan for utilising the agency of the village Panchayats and Co-operatives for minor irrigation and similar other developmental work are being implemented in the country?

The Minister of Planning and Irrigation and Power (Shri Nanda): Information is being collected and will be laid on the Table of the House.

Shri Jhulan Sinha: Have the Government of India issued any directives to the State Governments in this respect?

Shri Nanda: Yes.

Th. Jugal Kishore Sinha: What are the directives?

Mr. Speaker: I am going to the next question.

OVERSEAS PUBLICITY

*9. **Shri S. N. Das:** Will the **Prime Minister** be pleased to state:

(a) whether the Deputy Minister of External Affairs in his visit to Western and Middle East countries made a special study of the problems regarding India's overseas publicity; and

(b) if so, what are the measures he has suggested for adoption?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) During his visit to these countries, the Deputy Minister looked into various aspects of the work of Indian Missions there, including the working of the publicity section.

(b) His conclusions which are being formulated will be given full consideration with a view to improving the work of external publicity.

Shri S. N. Das: May I know whether the study has disclosed any organisational defects or defects in the methods and means of publicity?

Shri Anil K. Chanda: I feel that we have to spend much more money if we want to have effective publicity in foreign countries.

Shri S. N. Das: May I know whether the suggestions which are contemplated to be given effect to will involve more expenditure than is at present incurred on this subject?

Shri Anil K. Chanda: I am afraid any improvement will entail some additional expenditure.

Shri S. N. Das: May I know whether the suggestions, if carried out, will also increase the personnel in this section?

Shri Anil K. Chanda: I would certainly like the personnel to be increased.

Dr. Ram Subhag Singh: May I know whether the hon. Deputy Minister has made any comparative study of the problem? Has he tried to assess the problem by seeing what other countries do, *e.g.* what sort of propaganda is being carried on by Pakistan and with what amount of money?

Shri Anil K. Chanda: Yes.

EXPORT AND IMPORT ADVISORY BOARD

*10. **Shri Keshavaiengar:** (a) Will the Minister of **Commerce and Industry** be pleased to state who are the Members of the Advisory Boards or Committees that are appointed by Government for (i) exports and (ii) imports?

(b) On what basis are they appointed or nominated?

The Minister of Commerce (Shri Karmarkar): (a) There are three such committees in existence, *viz.*,—

1. Import Advisory Council.
2. Export Advisory Council.
3. Cotton Import Advisory Committee.

A list of the members on the three committees is attached. [*See* Appendix I, annexure No. 2.]

(b) Representation of the various interests concerned having regard to the need for providing a balanced regional distribution together with adequate representation for the medium and smaller merchants and the consumer most affected by the working of these controls.

The members of the Cotton Import Advisory Committee are drawn from the trade and industry and have been selected for their wide experience in their respective fields.

Shri N. L. Joshi: May I know whether any member represents agriculturists and, if so, who is he?

Shri Karmarkar: Not agriculture particularly, so far as I can see. On what Committee, may I know?

Shri N. L. Joshi: Import and Export Committees.

Shri Karmarkar: As I said, these members are drawn from officials, then trade and industry, as also consumers, and Members of Parliament.

DISPLACED STUDENTS

*11. **Shri Radha Raman:** Will the Minister of **Rehabilitation** be pleased to state:

(a) whether there is any scheme for financial assistance to displaced students; and

(b) if so, the amount sanctioned by Government under this scheme?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) Yes.

(b) A sum of Rs. 57,83,700 has been sanctioned during the current financial year for giving direct aid to displaced students from West Pakistan. Similar information in respect of displaced students from East Pakistan is being collected and will be laid on the Table of the House in due course.

Shri Radha Raman: May I know the total amount that has been spent on this up to now? The answer refers only to the current year's sanction.

Shri J. K. Bhonsle: The budget is Rs. 1 crore a year. And for the last three years we have been spending similar amounts.

Shri Radha Raman: May I know the number of students who have been benefited by this?

Shri J. K. Bhonsle: I am talking of West Pakistan—over a lakh and fifty thousand.

Shri Radha Raman: May I also know if Government have assessed how long such assistance will continue to be given?

Shri J. K. Bhonsle: We hope that by 1956 the whole responsibility will be taken up by the States concerned.

Shri S. C. Deb: May I know the figures State-wise?

Shri J. K. Bhonsle: To Bombay this year we have given Rs. 8 lakhs, Punjab Rs. 20 lakhs, Madras Rs. 15,000, U.P. Rs. 10 lakhs, Madhya Pradesh Rs. 1,15,000, PEPSU Rs. 3 lakhs, Rajasthan Rs. 3 lakhs, Madhya Bharat Rs. 30,000, Saurashtra Rs. 70,000, Hyderabad Rs. 5,000, Delhi Rs. 10 lakhs, Ajmer Rs. 60,000, Bhopal Rs. 35,000, Kutch Rs. 12,000, Mysore Rs. 15,000, Vindhya Pradesh Rs. 10,000, Himachal Pradesh Rs. 10,000, and Bilaspur Rs. 700.

COKE OVEN PLANT

*13. **Shri S. C. Samanta:** Will the Minister of **Production** be pleased to state:

(a) how far the setting up of a coke oven plant in Sindri has progressed;

(b) the name of the firm which has undertaken the task of building the plant;

(c) the date when the contract for the work was offered and the date when the formal agreement with the firm was signed;

(d) the names of the parties to the agreement;

(e) the date when this plant is expected to start production; and

(f) the source of supply at present?

The Parliamentary Secretary to the Minister of Production (Shri R. G. Dubey): (a) The work is proceeding according to the schedule.

(b) M/s. Carl Still, G.m.b.H., Recklinghausen, West Germany.

(c) The firm was instructed to proceed with the work on 1st August 1952 and the formal agreement was signed on 19th December, 1953.

(d) Messrs. Sindri Fertilizers and Chemicals Limited, Sindri; and M/s. Carl Still of West Germany.

(e) About the middle of August, 1954.

(f) The Coke is now obtained from Messrs. Indian Iron Steel Co.

Shri S. C. Samanta: May I know the building cost of the plant at present and whether the cost will alter later on?

Shri R. G. Dubey: The probable cost is Rs. 235 lakhs.

Shri S. C. Samanta: May I know whether there is any provision for the recovery of by-products: if so, what are they?

Shri R. G. Dubey: At this stage that has not been considered.

The Minister of Production (Sari K. C. Reddy): May I add, Sir, that there is a proposal to recover some of the by-products—I am not in a position to name them immediately—and steps will be taken later on to recover the other by-products which are not already in the programme.

Shri S. C. Samanta: May I know the amount of coke that is expected to be produced when the plant comes into operation in full?

Shri R. G. Dubey: The expected capacity is 600 tons a day.

Shri S. C. Samanta: May I know whether it will be sufficient for the Sindri Factory or whether we will have to take from other sources also?

Shri R. G. Dubey: It will be sufficient.

TEA

*14. **Shri N. M. Lingam:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the quantity of tea produced in India each year during the past three years;

(b) the quantity exported;

(c) the quantity consumed in India; and

(d) the estimated internal consumption of tea in the country?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (b). A statement is laid on the Table of the House. [*See* Appendix I, annexure No. 3.]

(c) Precise information is not available.

(d) 170 million lbs., approximately.

Shri N. M. Lingam: From the statement it is seen that the production is falling progressively. May I know if Government have investigated the causes for this fall in production?

Shri T. T. Krishnamachari: The hon. Member knows very well that last year we had a lot of trouble in regard to low prices; and one of the causes was said to be that the quality of tea was poor, that it contained lot of stalk. And naturally the tea planters this year went in for selective plucking, and a certain amount of voluntary restraint was also imposed upon them by their own organisations. That is why there is a slight fall in production.

Shri N. M. Lingam: How do Government propose to bridge the gap between the fall in production, the increasing exports and the increasing demand for internal consumption of tea in the country?

Shri T. T. Krishnamachari: I think the hon. Member has posed the problem correctly. Our endeavour has been to see how we could bridge the gap.

Shri N. M. Lingam: May I know if Government is aware that there is a world shortage of tea and that we are not catching up with the world demand as much as other countries do, notably Ceylon?

Shri T. T. Krishnamachari: I won't say it is quite correct. There has been a stimulation of consumption due to various reasons, because U.K.'s Store has gone down from 200 million lbs. to less than 100 million lbs., and U.K. also went off rationing. I do not think the other arguments in the question are quite correct—at any rate I am not able to say that they are correct.

Shri Muniswamy: May I know the names of those countries that are competing with India in the production of world tea?

Shri T. T. Krishnamachari: It is common knowledge: Ceylon; to small extent Indonesia; Pakistan;—East Africa is coming into the picture.

JUTE INQUIRY COMMISSION

*15. **Shri K. P. Sinha:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the Commission set up by Government to enquire into marketing practices in raw jute and jute-goods trade has submitted its report;

(b) if so, what are its main recommendations; and

(c) the total amount spent over this Commission so far?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Not yet, Sir.

(b) Does not arise.

(c) Rs. 22,000/- approximately, upto 8th February, 1954.

Shri K. P. Sinha: May I know if any interim report has been submitted by the Commission?

Shri T. T. Krishnamachari: We have asked only for a final report.

COAL

*16. **Shri P. C. Bose:** Will the Minister of **Production** be pleased to state:

(a) the total quantity of coal exported annually during 1952 and 1953;

(b) the names of the destinations to which coal has been exported; and

(c) whether any coal has been re-exported from the destinations with or without the knowledge of Indian Government?

The Parliamentary Secretary to the Minister of Production (Shri R. G Dubey): (a) and (b). A statement is laid on the Table of the House. [*See* Appendix I, annexure No. 4.]

(c) No coal has been re-exported with the knowledge of the Government of India and no such re-export has also come to our notice.

Shri P. C. Bose: The statement shows that the export during 1952 was 33,00,000 tons, whereas the export in 1953 goes down to 19,00,000 tons. What is the reason for this sudden fall?

Shri R. G. Dubey: Sir, in the years 1951 and 1952, the conditions were abnormal. For example, in U.K. and Europe there was a shortage of coal. Also, there had been transport difficulties in South Africa. Hence the abnormal rise recorded in 1951-52. But, in the year 1953, these conditions disappeared.

Shri P. C. Bose: Is it to be taken that this is the normal export figure —this 1952-53 figure?

Shri R. G. Dubey: Sir, I may draw the attention of the hon. Member to the figures in 1950. If the figures in 1950 are compared with those of 1953, the real position is available.

Shri P. C. Bose: May I know if there is any machinery to ascertain whether any coal has been re-exported or not?

Shri R. G. Dubey: No, Sir, not to my knowledge.

नारियल की जटा का सामान

*१८. **श्री बाल्मीकि :** क्या **वाणिज्य तथा उद्योग** मंत्री यह बतलाने की कृपा करेंगे :

(क) १९५२-५३ तथा १९५३-५४ में कहां कहां और कितने कितने मूल्य की नारियल की जटा की चटाइयां और सुतली निर्यात की गई ; तथा

(ख) कौन सा देश सब से अधिक नारियल की जटा का सामान आयात करता रहा है ?

The Minister of Commerce (Shri Karmarkar): (a) A statement is laid on the Table of the House. [*See* Appendix I, annexure No. 5.]

(b) The United Kingdom.

श्री बाल्मीकि : इस सामान के बारे में कुछ देशों की शिकायतें आई हैं ? तो क्या इस जटा के बने हुए सामान की क्वालिटी को बढ़ाने के लिए कुछ किया गया है ?

श्री करमरकर : उस के बारे में कोई शिकायत नहीं आ रही है ।

श्री बाल्मीकि : सन १९५२-५३ में ४५४ लाख का सामान बाहर गया जब कि १९५३-५४ में ३५८ लाख का ही गया । यह कमी क्यों हुई ?

श्री करमरकर : यह ठीक है, क्योंकि बाहर से उन्होंने सामान नहीं मंगाया, इसलिये कम गया ।

Shrimati Renu Chakravartty: May I know, Sir, if Government propose to look into the matter and find out any alternative markets for these goods?

Shri Karmarkar: Yes, that is always our endeavour.

Shrimati Renu Chakravartty: Has anything been done particularly in this connection, and if so, what is the result?

Shri Karmarkar: The results are not easily assessable. We go on making our efforts, and we continue.

Shri Raghuramaiah: May I suggest that we take along with this Question No. 31 also which is connected?

Shri Nanda: That is a different kind of question.

Mr. Speaker: We will deal with question No. 19.

SECOND FIVE YEAR PLAN

*19. **Shri Lakshmayya:** Will the Minister of **Planning** be pleased to state the major projects that are proposed to be included in the Second Five Year Plan in the Andhra State?

The Minister of Planning and Irrigation and Power (Shri Nanda): The Planning Commission has not yet considered the projects for the Second Five Year Plan.

Shri B. S. Murthy: May I know, Sir, whether the Andhra State has sent any schemes of projects to be included in the Second Five Year Plan?

Shri Nanda: No, none for the Second Five Year Plan.

Shri Vallatharas: Has the Central Government asked all the States to submit a list of their works to be included in the Second Five Year Plan?

Shri Nanda: Yes, Sir, we had asked for a list of schemes which were intended to be taken up, for the revision of the First Five Year Plan, but not the Second Five Year Plan.

Shri Vallatharas: Has the Madras State submitted its proposals?

Shri Nanda: We are considering the whole question at this moment and very shortly steps will be taken in that direction.

Shri Raghuramaiah: May I refer to the passage in the Presidential Address which says that Krishna has been included in the Five Year Plan, and say that Krishna is in Andhra?

Shri Nanda: These are new schemes in the First Five Year Plan.

Shri T. N. Singh: How many of the existing schemes in the First Five Year Plan are likely to be done in the five year period and how many are expected to go over to the second five year period?

Shri Nanda: I may clarify one point. Regarding irrigation and power Schemes, the States are being asked to submit their proposals which are going to be considered by a Special Committee.

Shri T. N. Singh: Am I answered, Sir?

Mr. Speaker: We will go to the next question.

IMPORTS FROM RUSSIA

*20. **Shri B. S. Murthy:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the quantity and value of kerosene, petroleum and allied products imported from Russia during 1954; and

(b) whether these imports are under the barter agreement entered into between the two countries?

The Minister of Commerce (Shri Karmarkar): (a) The statistics asked for are not available.

(b) There is no barter agreement between India and U.S.S.R.

SEMINAR ON RIVER VALLEY PROJECTS

*21. **Shri B. C. Das:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether a Seminar on River Valley Projects was held at Nangal;

(b) the names of those who attended the Seminar; and

(c) the decisions that were taken?

The Minister of Planning and Irrigation and Power (Shri Nanda): (a) Yes, Sir.

(b) and (c). A statement is laid on the Table of the House. [*See* Appendix I, annexure No. 6.]

Shri B. C. Das: May I know when final decisions will be taken on the recommendations of the Seminar?

Shri Nanda: The decisions are being taken. Some decisions have been taken and some will be taken later on.

Shri B. C. Das: May I know when they will be taken?

Shri Nanda: They have been referred to different Committees.

Shri B. C. Das: May I know when decisions will be taken by these Committees?

Shri Nanda: There are two Committees—one concerning the operation, maintenance, standardization etc. of machinery. These recommendations were referred to the Equipment and Machinery Committee. I think, in a month or two we will receive the final recommendations and then action will be taken. The other is regarding unit rates of earth work, concreting and masonry in dams for which a Committee on rates is being set up. Then there are other proposals regarding which decisions have been taken.

Shri B. C. Das: In the Seminar, was it discussed how best to achieve enthusiastic co-operation of labour taking into consideration experience of the different projects?

Shri Nanda: That also is being done.

Shri Vallatharas: Were representatives of all the States in India asked to participate in the Seminar, or only specified States were asked to participate; and may I know whether Madras State has sent its representatives?

Shri Nanda: States where big river valley projects are being executed were asked to send their representatives and the list of those who came is attached here.

Shri Vallatharas: Has Madras sent its representatives?

Mr. Speaker: We will go to the next question.

REHABILITATION OF DISPLACED PERSONS IN HIRAKUD

*22. **Shri R. N. S. Deo:** Will the Minister of **Irrigation and Power** be pleased to refer to starred question No. 825 asked on the 10th December, 1953 regarding reclamation of land and rehabilitation of displaced persons in the Hirakud Project area and state:

(a) the total acreage out of the proposed 80,000 acres, actually reclaimed up to date;

(b) the total amount spent on such reclamation;

(c) the number of families, out of those allotted land in the reclamation

centres, who have actually shifted to those areas;

(d) whether any experimental cultivation has been done in those centres; and

(e) if so, the amount of (i) the expenditure, (ii) the income and (iii) the average yield per acre?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) to (e). The information is being collected from the Government of Orissa and will be laid on the Table of the House as soon as possible.

Dr. Natabar Pandey: Is it a fact, Sir, that the lands which are reclaimed by the Government for the rehabilitation of displaced persons are not likely to be cultivable for a period of ten years?

Shri Hathi: That is not a fact.

Shri T. N. Singh: According to the last information received by the Government, how many acres of this reclaimed land have been brought into use by their newly settled cultivators?

Shri Hathi: I do not know the number, but up to October 1953, lands have been allotted to 346 persons.

Shri T. N. Singh: May I know what amount of land has been allotted?

Mr. Speaker: He perhaps wants the area of the land.

Shri Hathi: I have not got the figures.

Shri Sarangadhar Das: May I know, Sir, if the lands which have not been allotted to the displaced persons are being cultivated by the Government of Orissa with the money accruing from the project?

Shri Hathi: Generally, Sir, the programme of the Orissa Government, as explained, is that they are reclaiming land, just year to year, as and when it is required. For the present no land has been submerged in the reservoir. It was only for the purpose of the colony and for other buildings that the land was acquired, and that has been allotted.

Shri Natabar Pandey: There are three offices which deal with the work of displaced persons: one is the Land Acquisition Office, the second, the Land Reclamation Office, and the third, the Resettlement Office. I have seen just now that villagers of about 48 villages have been served with notices to leave their lands and houses. What has been heard from the answer? The Minister does not know—no information has yet been collected. What will be the fate of those persons who are to leave before the monsoon starts this year?

Mr. Speaker: He may put down a written question on this.

Shri Sarangadhar Das: My question has not yet been answered. I wish to know, in view of the fact that the Orissa Government is reclaiming lands—I think they have already reclaimed 5,000 acres—whether those lands that are not allotted to the displaced people, whether from the township or from very low area which will be submerged, whether those balance of lands are being cultivated, because otherwise they grow into jungle again.

Shri Hathi: Sir, some of the lands which have not been occupied are being cultivated, for the purpose of demonstration farms, by the Orissa Government.

COMPENSATION TO DISPLACED PERSONS

*23. **Shri Gidwani:** Will the Minister of **Rehabilitation** be pleased to state:

(a) the total number of displaced persons who had been paid compensation, till the 26th January, 1954, in Bombay, Delhi and Jullundur Regions; and

(b) the total amount paid?

The Minister of Rehabilitation (Shri A. P. Jain): (a) and (b). **Rs. 17,97,925 have been given to 6515**

claimants in the Punjab as partial payment of their compensation in the form of mud-huts. In Rajasthan a little over 16,000 acres have been allotted to 502 non-Punjabis against their verified claims for agricultural lands. In addition, up to the end of January 1954, interim compensation amounting to Rs. 9,63,346 was paid in Bombay and Delhi Regions to 230 claimants. Payments in Jullundur started on the 1st February, 1954.

Shri Gidwani: When is the Government likely to complete the first priority claims of these 51,000?

Shri A. P. Jain: I cannot fix any date.

Shri Gidwani: Is it likely to take two months or four months or twelve months?

Shri A. P. Jain: All depends upon the progress of work.

Shri Gidwani: When will the second begin?

Shri Muniswamy: May I know the categories of those displaced persons who were excluded from the payment of compensation?

Shri A. P. Jain: Those who have no claims.

FILMS

*25. **Th. Lakshman Singh Charak:** Will the Minister of **Information and Broadcasting** be pleased to state whether any films rejected by the Film Censor Board were permitted to be shown on representations being made to Government?

The Minister of Information and Broadcasting (Dr. Keskar): Yes, Sir. A few films were granted certificates on appeal from the decisions of the Central Board.

Th. Lakshman Singh Charak: May I know the reasons for the rejection of these films by the Board of Censors, which were overruled by the Central Government?

Dr. Keskar: The Board has, under the directive issued by the Government, power either to accept or reject or to make excisions in the films and in every case it is not obliged to furnish us with the reason why it has rejected particular films. I will, not, therefore, be in a position to give the reasons.

Shri B. S. Murthy: May I know whether the Board has any set of rules provided by the Government for censoring a film and if so, may I know what other steps other than the said rules the Government have taken into consideration to reverse the Board's decisions?

Dr. Keskar: I have not understood the import of the question.

Mr. Speaker: The point in this question as well as in the previous question seems to be that unless the Government permit the censoring for certain specific reasons, it will not be possible for the Government also to sit in judgment in appeal. There must be some standard reasons for each action. That seems to be the point.

Dr. Keskar: As I said, a general directive has been issued to the Board that on certain grounds the Board can reject or consider films objectionable. The Board is asked, in the light of that directive to judge the films. Generally there is supervision over the work of the Board and its panel to see that the directives issued are followed. There is also a right of appeal to everyone who feels that an unjustifiable decision has been taken. I do not think that in view of the fact that so few appeals come to us the Board has not been acting according to the rules.

Shri B. S. Murthy: May I know whether, before according permission for a film rejected by the Censor Board, Government take steps to consult the Censor Board once again, and if so whether any weight is given to the Board's opinion?

Mr. Speaker: In fact, is the Board heard after the appeal is filed and before the appellate authority takes a decision?

Dr. Keskar: The procedure is that when any party who feels aggrieved appeals to the Government, the Board is asked to let us have the details regarding the particular decision, and in the details, the Board tries to put forward the reasons or refer to the part of the directive issued by the Government under which the Board felt that the film should be rejected. Afterwards, it is for the Government, after seeing the film, to see whether the interpretation put by the Board was the correct one or whether they should change that decision and grant the certificate.

SHOLAPUR MILLS CASE

*28. **Shri S. N. Das:** Will the Minister be **Commerce and Industry** be pleased to state:

(a) whether Government have considered the situation arising out of the Supreme Court's judgment declaring as *ultra vires* the law under which Government had taken over the management of a textile mill in Sholapur; and

(b) whether any solution has been evolved to deal with the situation arising therefrom, and if so, what?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Yes, Sir.

(b) The matter is under consideration.

Shri S. N. Das: May I know whether the decision has involved the Government of India in any monetary loss and if so, what is the amount?

Shri T. T. Krishnamachari: The decision has not involved the Government of India in any monetary loss; but its implications might.

Shri S. N. Das: May I know what is the present position with regard to the implementing of this?

Shri T. T. Krishnamachari: The present position is, the present management will continue to be in management.

Shri T. N. Singh: What is the truth in the report as published in the papers that there has been some settlement between the Government and the Sholapur mill owners: a sort of an interim arrangement by which Government are going to hand over these mills to them, and that no laws will be amended?

Shri T. T. Krishnamachari: Unfortunately, reports in the papers, before the occurrence actually takes place, are not even half-truths. That is the case in this particular instance.

Shri N. L. Joshi: May I know whether the Government contemplate amending the law?

Shri T. T. Krishnamachari: The position cannot be wholly remedied by an amendment. The position can perhaps be remedied by amending the Constitution.

HANDLOOMS IN PUNJAB

*29. **Shri D. C. Sharma:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of handlooms in the State of the Punjab at present in working order; and

(b) how many handlooms use hand-spun yarn and how many mill-made yarn?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (b). According to the State Government's estimate 52,000 handlooms are working in the State, out which 15,000 use hand-spun yarn and 37,000 mill-made yarn. The Textile Enquiry Committee is also carrying out an independent survey of the total number of handlooms working in the country.

Shri D. C. Sharma: Is it not a fact that the number of handlooms has gone down in the Punjab and if so, has any enquiry been made into the causes of that decline in number?

Shri T. T. Krishnamachari: That is not my information.

Shri Nanadas: May I know whether the Textile Enquiry Committee has been asked to tour all the States and all places in the country?

Shri T. T. Krishnamachari: No. It has not been asked to do anything of that sort. It chalks out its own programme.

Shri D. C. Sharma: May I know how many of these handlooms are worked on an individual basis and how many of these are worked on a co-operative basis?

Shri T. T. Krishnamachari: If the figures that we have ran into details of that sort, we would not have had to make further investigations. At present, our statistics in regard to handlooms, according to the information that I have, are not by any means perfect.

Shri D. C. Sharma: May I know if any attempt is being made to set up any museum in the Punjab for the sale of these handloom products?

Shri T. T. Krishnamachari: I take it that the hon. Member means emporium. It will be answered by the other question that has been tabled for today. I think that the Punjab Government have some such mechanism at their disposal.

LOCAL DEVELOPMENT WORKS IN ANDHRA

*30. **Shri Nanadas:** Will the Minister of **Planning** be pleased to state:

(a) whether it is a fact that Andhra State Government has been given a grant of Rs. 7·38 lakhs for the local development works during 1953-54; and

(b) if so, what progress has been made so far on these works?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Yes, Sir, it is an advance payment representing half of their full allocation for the current year.

(b) 148 works at an estimated cost of Rs. 16·69 lakhs involving a Central grant of Rs. 8·32 lakhs were sanctioned by the State Government upto 31st January 1954. Progress reports called for from the State Government is awaited.

NANDIKONDA PROJECT

*31. **Shri Raghuramaiah:** Will the Minister of **Planning** be pleased to state whether the final investigation report regarding the Nandikonda Project has been submitted to the Planning Commission by the Governments of Andhra and Hyderabad States?

The Deputy Minister of Irrigation and Power (Shri Hathi): No, Sir.

Shri Raghuramaiah: May I know whether reference is meant to this project in the President's Address yesterday? If not, what is the other project which is sought to be included in the first Five Year Plan?

Shri Hathi: Reference was made to the Krishna-Pennar scheme, which is one of the five schemes mentioned for inclusion in this Plan.

Shri Raghuramaiah: Am I to understand that after this report is received, if the Government are satisfied this will be the project which will be included under the heading Krishna Project in the first Five Year Plan?

Shri Hathi: This scheme involves various schemes and various alternatives, all inter-related. After this report is received, all the other alternatives will also be considered and a decision will then be taken.

Shri Raghuramaiah: Is there any time limit within which the report is to be received for inclusion in the first Five Year Plan?

Shri Hathi: There is no time limit actually, but this report is now expected by the end of this month.

Dr. Rama Rao: Are Government aware that the Khosla Committee categorically recommended the Nandikonda project as against the Krishna-Pennar project? Just now the Minister said the reference to Krishna project means Krishna-Pennar project. Does it mean that the Government now want to have the Krishna-Pennar

project against the recommendation of the Khosla Committee?

The Minister of Planning and Irrigation and Power (Shri Nanda): It is not at all the intention. The report made by Mr. Khosla had suggested certain further investigations. Various Governments had to participate, and those investigations have now been nearly completed, and we are getting a report. There is no going behind any earlier decision.

Shri B. S. Murthy: May I know whether the Andhra Government has been asked to send a report about the feasibility of both the Krishna-Pennar and Nandikonda projects before either is taken into the first Five Year Plan?

Shri Nanda: Yes, this has been done.

Shri Nanadas: May I know whether the report that is to be submitted by the Andhra State Government and the Hyderabad State Government will be final?

Shri Hathi: The report will be considered by the Government. It will be for the consideration of the Government—not that the report will be final and binding.

MAHANADI BRIDGE ACCOUNTS

*32. **Shri R. N. S. Deo:** Will the Minister of **Irrigation and Power** be pleased to refer to starred question No. 1103 asked on the 18th December, 1953 regarding the report of the Enquiry Committee to investigate into the accounts relating to the construction of a bridge across the Mahanadi and state:

(a) whether the consideration of the report has since been completed;

(b) if so, what their findings are; and

(c) the conclusions and decisions of Government thereon?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) to (c). The important findings of the Committee are:

(1) The final cost of the Mahanadi Rail-Road Bridge is Rs. 68,75,184 subject to a few adjustments which are yet to be made.

(2) The increase in the final cost was mainly due to want of proper planning in the execution of work and under-estimating, extensive use of Hamilton girders, importation of labour at higher wages, employment of large number of workmen on muster rolls and work-charged establishment without adequate safeguards, award of work orders before inviting competitive tenders and certain infructuous expenditure.

The report is still under consideration by the Government in consultation with the authorities concerned.

Shri R. N. S. Deo: May I know if there was any finding about false muster rolls in the accounts?

Shri Hathi: Not actually about false muster rolls, but on the method of muster rolls there were some comments.

Shri R. N. S. Deo: May I know what action Government have taken against the officer concerned?

Shri Hathi: The whole report is still being considered. Action will be taken after that.

Shri R. N. S. Deo: May I know how the cost of the project is proposed to be allocated?

Shri Hathi: That is being examined between the various Ministries—Transport, Railways, and Irrigation and Power.

Shri M. S. Gurupadaswamy: May I know whether the Minister is aware that there are a large number of cases of false accounting as a result of which there was huge defalcation of money?

Mr. Speaker: Where? In this particular project?

Shri M. S. Gurupadaswamy: Yes.

Shri Hathi: No, there is none.

Mr. Speaker: Next question.

Dr. Natabar Pandey: Is it a fact that the present condition of the bridge over Mahanadi is getting worse day by day for want of repairs?

Mr. Speaker: Order, order. I have called the next question.

TRADE MARKS INQUIRY COMMITTEE

*33. **Shri S. N. Das:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the Trade Marks Inquiry Committee has finished its work;

(b) if the report has been submitted, what are the major recommendations that have been made therein; and

(c) if not, what is the time that will be taken by the Committee to submit its report?

The Minister of Commerce (Shri Karmarkar): (a) Not yet, Sir.

(b) Does not arise.

(c) The Committee is expected to submit its report by the end of April 1954.

Shri S. N. Das: May I know whether at the time of appointment of this Committee any time-limit was fixed for the submission of its report?

Shri Karmarkar: No time was fixed, but the Committee was expected to submit its report by the end of February.

HANDLOOM WEAVERS

*35. **Shri D. C. Sharma:** Will the Minister of **Commerce and Industry** be pleased to state the amounts given to the Punjab State from the Handloom Fund for giving relief to the weavers?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): A grant of Rs. 24,160 has been sanctioned.

Shri D. C. Sharma: On what basis was this amount arrived at?

Shri T. T. Krishnamachari: I might explain. The position is that the Punjab Government have been told that they might prepare schemes for a particular amount. And in this instance, I think they were told the schemes might be to the extent of Rs. 3,38,000. The schemes that they have submitted and have been sanctioned are only for Rs. 24,000 and odd. We have still under scrutiny four other schemes—one involving about Rs. 2,08,000; another Rs. 16,000; the third Rs. 32,450 and the fourth one Rs. 8,000.

Shri D. C. Sharma: May I know when those schemes would be finally decided upon and what will be the amount of further grant given to the Punjab Government?

Shri T. T. Krishnamachari: As I said, the Punjab Government have been asked to send schemes for up to about Rs. 3,38,000 and it is our hope these schemes will be sanctioned well before the end of the month because I do not want this money to lapse. I want the money to be utilised this year.

Shri D. C. Sharma: May I know how this grant is distributed among the weavers? Is it done after consultation with the Central Government, or is it done by the Punjab Government on its own?

Shri T. T. Krishnamachari: The broad lines of distribution are determined when making the grant. The actual distribution of the money is left to the State Government.

Shri D. C. Sharma: May I know if any distinction is made between the backward areas of a State and those areas which may be comparatively progressive economically?

Shri T. T. Krishnamachari: In this instance I am afraid I am not in a position to furnish an answer, but it is the intention of the Government of India in making these grants that, as far as possible, State Governments

should concentrate on the backward areas.

Shri M. D. Ramasami: May I know if the distribution of the cess is made on the basis of the total number of handlooms in each State or on any other basis?

Shri T. T. Krishnamachari: A very rough basis is usually the amount of yarn they consume—not the number of handlooms, because the number of handlooms often represents an inflated figure, far away from the realities of the situation.

Shri D. C. Sharma: May I know how many persons approximately will be benefited by the grant the Central Government has made?

Shri T. T. Krishnamachari: That is more than I can answer.

Shri D. C. Sharma: I mean the *per capita* money available.

Mr. Speaker: He has already replied to it.

Shri S. N. Das: I have been authorised by Mr. Bansal to put his questions.

Mr. Speaker: Which question?

Shri S. N. Das: No. 4 and two others.

Mr. Speaker: Has he filed a written authority here?

Shri S. N. Das: Yes, Sir. Yesterday he filed it in the office.

Mr. Speaker: I will take his word for it that he has filed.

DISCRIMINATION IN P. & O. SHIPS

*4. **Shri S. N. Das** (on behalf of **Shri Bansal**): Will the **Prime Minister** be pleased to state:

(a) whether any complaint was received by Government from a highly placed Indian officer accredited to a foreign country against the treatment on board the P. & O. Ships;

(b) if so, the nature of the complaint; and

(c) the action Government have taken in the matter?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) and (b). Some complaints of discriminatory treatment of non-white passengers on P. & O. boats have been made by Government officials and private individuals.

(c) The matter has been taken up with the U.K. Authorities.

Shri S. N. Das: May I know whether the Government expects replies from the Government concerned in the near future, and if so, by what time?

Shri Anil K. Chanda: We have already had some correspondence with the United Kingdom High Commission here and the matter is being pursued. We are also in consultation with the P. & O. Company authorities.

Shri S. N. Das: May I know the period in which these complaints have been received by the Government?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): May I answer the question because part of the question was dealt with by my Ministry? We heard about it not directly, but indirectly and the matter was investigated. The matter was taken up with the steamship authorities, and I think individually the persons concerned—not merely an officer of the Government, but other people—were approached by the Company and the position was explained. Government have been assured that in future there will be no cause for even complaints of this nature, and I think at the moment until we get fresh complaints we have to rest on that assurance.

Shri R. K. Chaudhuri: May I know the nature of the complaint?

Shri T. T. Krishnamachari: The nature of the complaint was that Indian passengers travelling by a particular steamer felt that they were discriminated against in various ways. I think one of the complaints was

that the children were more or less put in a place which was near the boilers and certain discrimination was practised in dining room facilities. It is a question of a cumulative feeling rather than of specific complaints. The matter has been attended to.

Shri Raghuramaiah: May I know whether this sort of racial complaint has been received only against the P. & O. liners or any other foreign liner that is operating?

Shri T. T. Krishnamachari: So far as the Government of India are concerned, at the moment this is the only complaint we are seized of.

INDIAN CONSULATES

*26. **Shri S. N. Das** (on behalf of **Shri Bansal**): Will the **Prime Minister** be pleased to state:

(a) the number of Indian Consulates that are functioning at present in the U.S.A.;

(b) the cities where they are functioning; and

(c) whether there is any proposal to open more Consulates in that country?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) and (b). There is no Indian Consulate in the U.S.A. but there are Indian Consulates General at New York and San Francisco.

(c) No, Sir.

Shri S. N. Das: Do these Consulates come under the administration of the Commerce and Industry Ministry, or the External Affairs Ministry?

Shri Anil K. Chanda: The administrative side of these Consulates-General is under the control of the Indian Embassy at Washington.

Shri N. L. Joshi: What are the functions of these Consulates?

Shri Anil K. Chanda: Consular activities.

G. A. T. T.

*34. **Shri S. N. Das** (on behalf of **Shri Bansal**): Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether his attention has been drawn to a press report that all contracting parties to the GATT, except Australia, Brazil and Peru, have signed the declaration extending the life of the GATT Schedules until the 1st July, 1955;

(b) if so, how the non-participation of these countries in the GATT will affect India; and

(c) what measures Government propose to take to safeguard India's position in regard to the concessions given to these countries?

The Minister of Commerce (Shri Karmarkar): (a) Yes, Sir. But later on intimation was received from the GATT Secretariat to the effect that the Government of Australia had decided to sign the Declaration. The Contracting Parties are now considering the question of extending the time limit for signature of the Declaration up to the 30th April, 1954.

(b) It is not our understanding that by declining to sign the Declaration Brazil and Peru have gone out of GATT. These two countries have signed the Protocol of Provisional Application of the GATT and have not given any notice of withdrawal.

(c) Government of India have no reason to believe that either Brazil or Peru is anxious to withdraw the tariff concessions granted to India, and the question, therefore, does not arise at this stage.

Shri S. N. Das: May I know the nature of the concessions given by the Government of India to those countries that have signed the Declaration so far?

Shri Karmarkar: I could give him the names of the commodities on which India has received concessions and given concessions, but it is a fairly long list. If you will permit me, I shall read it out.

Mr. Speaker: The hon. Minister may place a statement on the Table of the House, if he has no objection.

Shri Karmarkar: Yes.

Shri Nanadas: May I know the main advantages derived by our country by having been a member of the GATT in the past?

Shri Karmarkar: I think my hon. friend might with advantage read the profuse literature on the subject, which is in the Library of the House.

WRITTEN ANSWERS TO QUESTIONS

U. N. SEMINAR

***2. Sardar Hukam Singh:** (a) Will the Minister of **Works, Housing and Supply** be pleased to state whether the U.N. Seminar on Housing and Community Improvement was held in Delhi during January 1954?

(b) What subjects were discussed?

(c) Which countries participated by sending their delegates?

The Minister of Works, Housing any Supply (Sardar Swaran Singh): (a) Yes, Sir. It commenced on the 21st January and concludes on the 17th February, 1954.

(b) The subjects discussed were—

(i) Methods of increasing the effective use and production of local building materials;

(ii) Methods of preparing housing and community improvement programmes; and

(iii) Physical planning.

(c) Official delegations have taken part in the Seminar from—

Burma, Ceylon, Fiji, Hong-kong, India, Indonesia, Iran, Iraq, Japan, Laos, Pakistan, Singapore and Viet-Nam.

TEA

***7. Shri Gopala Rao:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the amount of money that is being spent every year on tea propaganda in foreign countries; and

(b) whether propaganda is going to be carried on in Canada also?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) A statement is laid on the Table of the House. [*See* Appendix I, annexure No. 7.]

(b) Yes, Sir.

SPECIAL SCHEMES FOR TRAVANCORE-COCHIN

***12. Shri A. M. Thomas:** (a) Will the Minister of **Planning** be pleased to state whether any special schemes (consequent on the modification and enlargement of the Plan) for Travancore-Cochin State have been drawn up and if so, what?

(b) What is the estimated additional amount that will be necessary for carrying out these schemes?

(c) What is the amount that has so far been spent in Travancore-Cochin under the Five Year Plan?

The Minister of Planning and Irrigation and Power (Shri Nanda): (a) A Statement is placed on the Table of the House. [*See* Appendix I, annexure No. 8.]

(b) Rs. 3·45 crores.

(c) By the end of 1953-54 nearly Rs. 15 crores are expected to be spent out of the total outlay under the State Plan of Rs. 27·3 crores.

REPAYMENT OF LOANS

***24. Shri Biren Dutt:** Will the Minister of **Rehabilitation** be pleased to state:

(a) how many notices were issued to displaced persons in Tripura for the repayment of loans;

(b) whether there was any protest by any displaced persons' organisation; and

(c) the steps taken to meet the demands of the displaced persons?

The Minister of Rehabilitation (Shri A. P. Jain): (a) to (c). The required information is being collected and will be laid on the Table of the House in due course.

FIVE YEAR PLAN AND ANDHRA

1. **Shri Raghavaiah:** Will the Minister of **Planning** be pleased to state the various irrigation schemes, that have been submitted by the Andhra Government for inclusion in the Five Year Plan?

The Minister of Planning and Irrigation and Power (Shri Nanda): The Andhra Government had written to the Planning Commission for the inclusion of the following projects:—

(1) Tungabhadra High Level Canal scheme.

(2) Gandikota Project with provision for diversion of water from Tungabhadra High Level Canal.

(3) Krishna Project { Siddeswaram / Nandikonda

(4) Pulichintala Project.

(5) Godavari Flood Protection Scheme.

(6) Vamsadhara Project.

(7) Krishna Regulator and Bridge.

(8) Remodelling of the Kurnool-Cuddapah Canal (to carry 3000 cusecs).

Out of these Projects, the remodelling of the Kurnool-Cuddapah Canal and the Krishna Regulator-*cum*-Bridge have been accepted for immediate implementation.

HOMES AND INFIRMARIES FOR DISPLACED PERSONS

2. **Shri Hem Raj:** Will the Minister of **Rehabilitation** be pleased to state:

(a) the number of homes and infirmaries which are maintained by Government for the displaced persons from West Pakistan since 1947 upto December, 1953;

(b) the names of the places where they are located;

(c) the number of displaced persons housed in each;

(d) the average expenditure incurred upon each such person; and

(e) the work that they do in such homes and infirmaries?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) to (c). A statement is enclosed. [*See* Appendix I, annexure No. 9].

No Home or Infirmary was established prior to 1948, displaced persons were then admitted into Relief Camps.

(d) The Central Government gives on an average a grant-in-aid of Rs. 25 per person per mensem to the authorities running the Homes and it is left to them to manage within this grant-in-aid. Figures of the actual expenditure incurred by the authorities running the Homes are not available with the Government.

(e) Except in the case of persons who are aged and infirm and cannot be expected to work, the inmates are given training and work in handicrafts like tailoring, embroidery, spinning, weaving, crochet work, basket making, soap making etc.

CENTRAL COMMUNITY PROJECT ORGANISATION

3. **Shri Gadilingana Gowd:** Will the Minister of **Planning** be pleased to state:

(a) the functions of the Central Community Projects Organisation; and

(b) the details of personnel employed therein, and their numbers?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) The Community Projects Administration at the Centre is responsible for planning, directing and co-ordinating the

Community Projects and National Extension Service Programmes undertaken by the Governments of various States of India.

(b) A statement is laid on the Table of the House. [*See* Appendix I, annexure No. 10.]

FIVE YEAR PLAN PUBLICITY

4. Shri T. B. Vittal Rao: Will the Minister of **Information and Broadcasting** be pleased to state:

(a) the amount spent so far (State-wise) in each year on publicity of the First Five Year Plan; and

(b) the items of expenditure, state-wise, and year-wise?

The Minister of Information and Broadcasting (Dr. Keskar): (a) and (b). The Central Government's Integrated Publicity Programme of the Five-Year Plan is for India as a whole and is not intended to be carried out in particular States as such. The States do their own publicity. No State-wise figures of expenditure are, therefore, available. No organised publicity for the Five-Year Plan was organised during the preceding years. Information regarding the present financial year can only be collected at the end of the period.

THE Dated 01.12.2014

PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

HOUSE OF THE PEOPLE

Tuesday, 16th February, 1954.

The House met at Two of the Clock

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(See Part I)

2-55 P.M.

MOTIONS FOR ADJOURNMENT

INCREASE IN PRICE OF SUGAR-CANE

Mr. Speaker: I have received notice of an adjournment motion from Shri R. N. Singh, which refers to the question of an increase in the price of sugar-cane, and the Government of Inda's refusal to accede to the demand of the sugar-cane growers. I should like to know what part the Government of India play in this matter.

The Minister of Food and Agriculture (Shri Kidwai): After debates in this House, this year we had fixed the price of sugar-cane at a little higher rate than it was last year. Everyone knows that the prices of agricultural commodities are coming down, and if the price of cane is retained at the present level, the result will be that we will have only cane, and the cane growers will be in difficulty, because *gur* will fetch any price, and cane also will not be crushed. That has been our experience in 1952, and even in earlier years. Therefore it is not possible to raise the price above the present level. This question came up before the House before we adjourned in the last session, and as I told the House, I had advised the people to have a conference at Ramkola, where I would explain the position. Now some of the political workers advised the cane growers—it was the united effort of all the political parties—that if they discontinued the supply of cane to the factories from the 1st February, then perhaps I would be able to announce an increase in the price of cane when I addressed the cane growers at Ramkola. As soon as it was seen that notices were being served by the co-operative society in Uttar Pradesh to sugar-cane factories that supplies will be stopped from the 1st of this month unless the factories are prepared to pay higher prices, a press note was issued by the Food and Agriculture Ministry stating that it was not possible to increase the price, but if any factory was earning additional profit on account of the high prices of sugar, the cane growers would be given a reasonable share of the profit. When I reached Ramkola, I repeated the same thing, and on that press statement, the co-operative federation withdrew the notice. They said that they were satisfied with the assurance that they would get extra price, so long as sugar was getting an extra price. When I reached Ramkola, all the other parties met me, and there they decided that they would accept the formula. Now there were two parties. One was the party led by Mr. Shibbanlal Saxena, and the other led by the PSP. All of them agreed, and even Mr. Genda Singh who was in jail

[Shri Kidwai]

sent a message that the strike should be cancelled, and that this price should be accepted. The PSP leader who was there said that he would announce his decision after he had consulted his other colleagues in Lucknow. But in Lucknow, he was overruled.

But what is the position now? There is no cane strike. There is a tussle going on between the PSP leaders and the cane growers. The cane growers want to supply cane to the mills, but the PSP people are picketing it. Every factory in eastern U.P., and western U.P. is getting its full requirements, and the Bihar people have been wise enough not to look to their proposal. There is no strike today. There are some factories here in the neighbourhood, and if any Member of Parliament wants it, I can arrange that he will go and see what the position is. The cane growers are anxious to deliver their cane as early as possible, but the PSP leaders are picketing the mills. That is the position.

श्री आर० एन० सिंह (जिला गाजीपुर-पूर्व व जिला बलिया-दक्षिण पश्चिम) : २८८ केन ग्रोअर्स गिरफ्तार हो चुके हैं जिन में और लोग भी हैं । तो यह बात हम कैसे कह सकते हैं कि स्ट्राइक खत्म हो गयी है ?

Shri Kidwai: Only about 12 factories were affected by the strike. The stoppage of supply was in some factories for only one day, and in some others for two days. On the 7th February when the Ramkola conference was held, three factories were working in the western zone, and one factory in the eastern zone. One factory started working on the 9th February, and the factories here started working, since they knew the decision. Since then, this picketing has been started. I understand that it may be withdrawn, and even this formal withdrawal may be in a day or two.

Shri Sarangadhar Das (Dhenkanal —West Cuttack): May I be permitted to say a few words in this connection? During the last session, I had given notice of an adjournment motion, and on that occasion, the hon. Minister replied that the price had been increased, but I did not get the chance to say that the price had come down from Rs. 1-12-0 to Rs. 1-3-0 and then went up to Rs. 1-5-0 or Rs. 1-7-0. At that time, you, Sir, did not want me to explain the matter any more. As a result of that adjournment motion of mine not having been considered, there has been a strike, since the 1st of this month. If there is no strike, may I know from the hon. Minister why he is importing in such a hurry about one lakh of tons of sugar or something like that, as we have been reading in the Press now? If there is no strike, what is the necessity in the middle of the crushing season to import sugar?

Shri Kidwai: I think there is some misapprehension. There is no hurried import. Last year the production was about 13:7 lakhs of tons, and the consumption was expected to be 17 lakhs of tons. We were carrying over 4 lakhs of tons, and therefore we first estimated that we would import about 2 lakhs of tons, but we found that we should import more, and accordingly we have imported 2:5 lakhs of tons.

3 P.M.

This year, production will be less not on account of any strike but because Bihar and Eastern Uttar Pradesh crop has not been good. It will be about twelve or twelve and a half lakh of tons. If the consumption continues at the rate at which it was continuing last year, we may have to import, between 1st April and 30th March next year, about 5 lakh tons.

Shri Nand Lal Sharma (Sikar): Sir, I want to say a few words on this subject.

Mr. Speaker: I do not think that is necessary now. We need not go into the merits of the question.

Shri Sarangadhar Das: If you will give us the figures that are supplied by the Technological Research Institute in Lucknow, as to the weekly production figures, we will know the position.

Shri Kidwai: I can assure the hon. Member that this year's production is not lower than last year's.

Mr. Speaker: Order, order. I am not concerned at all with the merits of this case now. I wanted just to know as to whether the adjournment motion is admissible, and should be admitted.

ठाकुर युगल किशोर सिंह (मुजफ्फरपुर उत्तर-पश्चिम) : उसी के सम्बन्ध में कुछ कहना चाहता हूं ।

अध्यक्ष महोदय : किस सम्बन्ध में ?

ठाकुर युगल किशोर सिंह : कि यह एडमिट होगा या नहीं ?

अध्यक्ष महोदय : नहीं, मैं एडमिट होने की कनसैंट नहीं देना चाहता । मैं ने बहुत सुना और सुनने के बाद मेरा निश्चय यह हुआ है कि यह एडमिट नहीं होना चाहिए ।

KUMBH MELA TRAGEDY

Mr. Speaker: Now, there is another adjournment motion. As the hon. Member who has given notice of it wishes that I should mention it, I shall mention it. This adjournment motion is the same thing as was tabled yesterday—the same as the three adjournment motions which had been disposed of yesterday. I do not think it can come again today.

Shri Nand Lal Sharma (Sikar): I have got something fresh to say.

Mr. Speaker: I am not going to entertain that.

Shri Nand Lal Sharma: I am not going to discuss it, but.....

Mr. Speaker: May I ask the hon. Member to resume his seat? He will see that a motion on an identical subject was tabled yesterday, and my consent was withheld. The question is closed now.

Shri Nand Lal Sharma: I want to refer to it, because Kumbh Mela is going to be repeated in other States also.

Mr. Speaker: Order, order. I do not propose to hear that. The hon. Minister of Production will not make a statement.

Shri Nand Lal Sharma: Any time for discussion on my motion?

Mr. Speaker: There is no discussion on that point. He need not interfere with the proceedings now.

STATEMENT *RE*: SITE FOR NEW STEEL PLANT

The Minister of Production (Shri K. C. Reddy): In my statement to the House on the 24th August, 1953, on the project for a new Steel Plant, I had indicated that the German Firms of Krupp & Demag with whom we had arrived at an agreement, would be asked to tender their advice on the location of the plant, its design, erection and operation. Accordingly, the technical experts of the German firms visited the States of Bihar, West Bengal, Madhya Pradesh and Orissa and studied earlier technical reports and the Memoranda submitted by these Governments. They collected additional data, inspected the proposed sites, and held discussions with the Governments as well as with the Central authorities concerned. After a study and assessment of the material so collected, both here and in association with their top technical experts in Germany, they have recommended the location of the new Steel Plant at Rourkela in Orissa.

The Government of India have very carefully examined this recommendation. They have considered the views of the Governments of Madhya Pradesh, West Bengal and Orissa, on the report of the Consultants. They have also had the benefit of discussions with

[Shri K. C. Reddy]

the Chief Ministers of Madhya Pradesh and West Bengal and two Ministers of Orissa. Having taken into consideration all the factors and the data available, the Government of India have come to the conclusion that the recommendation of their Consultants in regard to the location of this Plant at Rourkela should be accepted.

The Government of India have also decided that a further intensive survey, examination and analysis of the mineral resources of Madhya Pradesh should be immediately taken in hand, with particular reference to iron ore and coal, to facilitate the economic and industrial development of these resources.

I am placing a copy of the Memorandum of Consultants on the Table of the House. [*Placed in Library. See* No. S-17/54.]

Shri Meghnad Saha (Calcutta—North-West): I should like to say a few words about this.

Mr. Speaker: Not about this. It is not permissible under the procedural rules. When a Minister makes a statement, advantage of it may be taken when the hon. Member has the occasion of discussing the subject, but not now.

Shri H. N. Mukerjee (Calcutta—North-East): Let us have a short discussion on this matter. There is nothing controversial about the decision of Government but possibly there are certain issues which we would like to discuss. I should like the Government to give us some time.

Mr. Speaker: That is a different matter. He can approach the hon. Minister and adjust it.

PAPERS LAID ON THE TABLE

REPORTS OF TARIFF COMMISSION ON CONTINUANCE OF PROTECTION TO SERICULTURE INDUSTRY AND ON REVISION OF PRICES OF CEMENT ETC., ETC.

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): I beg to lay on the Table a copy each of the following papers, under sub-section (2) of Section 16 of the Tariff Commission Act, 1951, namely:

(i) Report of the Traiff Commission on the continuance of protection to the Sericulture Industry;

(ii) Ministry of Commerce and Industry Resolution No. 36(4)-T.B./53, dated the 31st December, 1953;

(iii) Ministry of Commerce and Industry Notification No. 36 (4)-T.B./53, dated the 31st December, 1953; and

(iv) Statement under proviso to Section 16 (2) of the Tariff Commission Act, 1951, explaining the reasons why a copy each of the documents referred to in (i) to (iii) above could not be laid within the prescribed period; [*Placed in Library. See* No. S-14/54.]

(v) Report of the Tariff Commission on the revision of prices of cement;

(vi) Ministry of Commerce and Industry Resolution No. SC (B)-8(257)/54, dated the 1st February, 1954; and

(vii) Statement under proviso to section 16(2) of the Tariff Commission Act, 1951, explaining the reasons why a copy each of the documents referred to in (v) and (vi) above could not be laid within the prescribed period. [*Placed in Library. See* No. S-15/54.]

REPORT ON THE WORKING OF THE CENTRAL SILK BOARD

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): I beg to lay on the Table a copy of the Report on the working of the Central Silk Board for the period 1st April to 30th September, 1953. [*Placed in Library See* No. S-16/54.]

GOVERNMENT OF PART C STATES (AMENDMENT) BILL—*contd.*

The Minister of Home Affairs and States (Dr. Katju): I beg to move:

> "That the Bill to amend the Government of Part C States Act, 1951, be taken into consideration."

This is a non-controversial measure. The Government of Part C States Act was passed in 1951, and during the last three years, the working of the Act has disclosed some defects and omissions. Those defects are now being sought to be removed by this Bill. Hon. Members would have gathered from the Statement of Objects and Reasons the main purposes of the Bill. Some disputes arose as to the method of the disposal of questions relating to the disqualification of members of State Legislatures. Provision for that is being made specifically, and power is being given to the President to dispose of all such questions after consulting the Election Commission.

Then there is the provision for the establishment of a Contingency Fund and for the laying of the reports of the Comptroller and Auditor-General of India before the State Legislatures.

[MR. DEPUTY-SPEAKER *in the Chair*]

So far as I can see from the amendments which have been tabled, the only question which has given rise to some doubt in the minds of some hon Members is about the language. In clause 6 of the Bill, it is provided specifically that all Bills introduced in the State Legislatures and all Acts passed therein shall be primarily in the English language, but it is also said that where the regional language is Hindi, then the Bill may be translated and the translations will also be authoritative.

Now, I gather from the amendments tabled that there is some desire that English should be omitted altogether and Hindi be substituted. I only wish to say here that hon. Members will recollect article 348 of the Constitution. The present clause 33(a) in the Bill is nothing but a reproduction of that article. It is a compulsory thing and we cannot possibly deviate from it. I had to introduce it because there was some lacuna in the Act as it stands, and it was necessary to remove that lacuna. Otherwise, the Bill, I submit, is a plain-sailing one, and I do not wish to detain the House any further upon it.

Mr. Deputy-Speaker: Motion moved:

> "That the Bill to amend the Government of Part C States Act, 1951, be taken into consideration."

Shri U. M. Trivedi (Chittor): Sir, the Government of Part C States (Amendment) Bill that has been presented to the House is, according to the hon. the States Minister—and it is his wont—a 'non-controversial' matter. Everything, according to him, is non-controversial. The Preventive Detention Act is non-controversial! This is also non-controverisal! I say, Sir, it is a very controversial subject inasmuch as we are not proceeding on any progressive lines about the administration of these Part C States.

To begin with, the very provisions of law which are given in Articles 239 and 240 give certain powers to this Parliament to administer the Part C States through the President. These States are not placed at par with the Part B States. This invidious distinction is being carried on and is now being perpetuated for all times to come. It would be better if we were to make up our mind once for all that all these Part C States must cease to exist. They are on anomaly in our present structure. The anomaly is so great that so far as the administration of Part A States or Part B States, that is, of the major portion of India, is concerned, even if we have to make any change in our Constitution, we have

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to come to the Parliament. And not only that. There is a further provision that only by a particular majority we can change the Constitution. And a further embargo is there, that if such a change is to be effected in particular articles, then not only Parliament will have to pass that Bill or that amendment in a particular manner, but that half of the States of India should also have to assent to it. But in the case of these Part C States, you will find that we have got a provision, that under article 240 we can change the Constitution and allow these Part C States to change any part of the Constitution. Article 240(2) reads:

> "Any such law as is referred to in clause (1) shall not be deemed to be an amendment of this Constitution for the purposes of article 368 notwithstanding that it contains any provision which amends or has the effect of amending the Constitution".

Now, why are such powers necessary in the case of administration of Part C States? If these States are to be distinguished like this, that means the citizens of India living in Part C States, are to be discriminated against in this manner, are allowed to have hostile laws passed against them or prejudicing them. Why should we allow it under the Constitution when we have guaranteed equal protection of law and the right of not denying equality in law to all of them? Why are we going to do that? We allow it and we go on perpetuating it, and this amendment does the same thing. Formerly, there was some controlling authority. That goes; that controlling authority is also to be given up by the amendments which are now being suggested.

In clause 7 there is an amendment of Section 39 which has been suggested. And what does it suggest? Some peculiar notion of making or adding to the Consolidated Fund of the State is mentioned there. Not only will these States of Ajmer, Bhopal, Coorg, Dehi, Himachal Pradesh and Vindhya Pradesh have a Consolidated Fund of the revenues which they have, but to those revenues are to be added grants, then to those will be added loans, and what is more, whatever repayments of these loans are made, those also will go into their coffers. Loans will be made by the Government of India, repayments will be ordered out of it and the repayments will not be made to the Government of India, but will become a sort of Consolidated Fund for these Part C States. Why this has been manoeuvred, we do not know. Why not say that all these will be treated as grants? Why distinguish between loans and grants? Make it a grant for all purposes.

Then, Sir, I will draw the attention of the House to this language question. By clause 6 a new section is sought to be added as Section 33A in the Act of 1951. Now, we all have been clamouring for Hindi being made the national language. We have accepted it in our Constitution. But in this case, we are going back to English. Not only that. Where the States have already passed resolutions to this effect, that the State language shall be Hindi, there also we are going to change over to English. I cannot understand this retrogressive measure and I will ask the House and those Members who are interested in the progress of Hindi to apply their mind to this retrogressive measure. Why is it suggested that the language to be used for Acts, Bills, etc., notwithstanding anything contained in section 33, until Parliament by law otherwise provides,—the authoritative texts—shall be in the English language? Of all these things—of all Bills, of all Acts, of all orders, rules and regulations, bye-laws etc.! There is not only this objection of again putting English into its own, but the question also involves a vast deal of expenditure. Why do we want translations of all these rules, bye-laws, orders and regulations to be again rendered into English? And then, for whom is it

meant? After all, all these administrative orders are meant for the public, and when the public is completely able—at least in Ajmer, Bhopal, Delhi, Himachal Pradesh—to understand Hindi, when all members of the public and the citizens of these various States are able to understand Hindi, why change it over? If we were talking about Coorg, I would agree that the regional language may be included; but why switch over to the English language when it is going out? When we are all making efforts for putting off the use of English, why go back and re-introduce English?

Then, I would draw your attention to clause 4, amendment of section 22 of Act XLIX of 1951. This is giving some sort of power to the State Legislature, of whatever type it might be, to undo what the Parliament has done. What is sought to be added is:

> "or any law made before the 1st day of April, 1952, in relation to any matter with respect to which the Legislative Assembly of the State has power to make laws."

This is to be added to the Explanation of section 22 of the original Act. The Explanation to section 22 is:

> "For purposes of this section, the expression 'law made by Parliament' shall not include any law which provides for the extension to the State of any law in force in any other part of the territory of India."

This could be treated as some wise piece of legislation. But, to add to this Explanation, these further words—

> "or any law made before the 1st day of April, 1952, in relation to any matter with respect to which the Legislative Assembly of the State has power to make laws."

would mean that the Legislative Assemblies of these States would be considered wise enough to undo what this Parliament has done for them. When Parliament makes a law, all the 499 Members gathered here from all the different parts of India make it. I do not know whether I should persist in calling the Legislative Assembly of Ajmer a Legislative Assembly, because it is a district not even one-third of the area of Ahmedabad and not even one-third in population. These ten or fifteen or sixteen persons—I do not know how many of them there are—will be considered wise enough to undo what this Parliament has done for them. I do not know how this necessity has arisen. I do not know why steps are not being taken to do away with these Part C States altogether. In Ajmer, everybody worth his salt have sent in resolutions that they do not want this Ajmer State.

An. Hon. Member: It is wrong.

Shri U. M. Trivedi: It is all wrong for vested interests. But, unfortunately, it is a patent fact that everyone who has got the good of Ajmer at heart and who desires the progress of Ajmer has expressed in unequivocal language that Ajmer should no longer exist as a separate State.

At the same time, I will bring to your notice the provisions of Article 239. It says:

> "Subject to the other provisions of this Part, a State specified in Part C of the First Schedule shall be administered by the President acting, to such extent as he thinks fit, through a Chief Commissioner or a Lieutenant-Governor to be appointed by him or through the Government of a neighbouring State."

May I put it to you, Sir, has the Government consulted the neighbouring State of Rajasthan? Rajasthan surrounds the whole of Ajmer on all sides. Has the State of Rajasthan been consulted whether it is prepared to administer the affairs of this small territory of Ajmer? Have not the people desired that this whole administration should be wound up and the extra expenditure of Rs. 70 lakhs to the Government of India should be saved? Have we done anything in that connection? Are we going to allow

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this luxury to the Ajmer State at the cost of the tax-payers of India? We have got this proviso—

> "Provided that the President shall not act through the Government of a neighbouring State save after—
>
> (a) consulting the Government concerned; "....

Mr. Deputy-Speaker: I am not able to follow the hon. Member. This is merely an amending Bill. Are we going into the question whether Ajmer should be a separate State, or whether it should be absorbed in the neighbouring State, or whether its administration should be entrusted to a neighbouring State? All these matters are not relevant for the purpose of the present Bill. We have got the Budget discussion, when it may be taken up; but so far as this Bill is concerned only those points which have been touched upon in this Bill, by way of amendment of the original Act, would be relevant. In fact, the hon. Member is going astray.

Shri U. M. Trivedi: I am submitting this, that you are creating a Contingency Fund for the State, a new Fund to be created. You are going to increase the expenditure by taking away the moneys of the already hard-pressed tax-payers by providing that the loans advanced will also go away to the Fund. I am therefore suggesting that the expenditure should be reduced. What are the Government doing to reduce the expenditure?

Mr. Deputy-Speaker: The creation of a Contingency Fund is provided for in the Constitution itself—the hon. Member may say that it is unnecessary.

Shri U. M. Trivedi: With due respect I submit that I was contending that we can save Rs. 76 lakhs so far as the Ajmer State is concerned. I am going to move an amendment to drop this word 'Ajmer'.

Mr. Deputy-Speaker: It will be out of order. I am not trying to give any decision which is contrary to justice. I am trying to consider the matter with the hon. Member. This is a Bill to amend the Part C States Act of 1951 for the purposes mentioned in the Statement of Objects and Reasons. Those are the points sought to be touched. It is open now to go into the question whether Ajmer ought to continue as a separate State or not? It is irrelevant and beyond the scope of the present Bill. It may be a desirable thing for the hon. Member to raise in a debate, but not here. The hon. Member will confine his remarks to the points that have been raised in the Bill. It may be taken up in some other platform.

Shri U. M. Trivedi: There is no other platform; this is the only platform that I have got.

Mr. Deputy-Speaker: Unfortunately, I cannot extend the scope of the Bill.

Shri U. M. Trivedi: I have not got much time to waste and I do not want to waste my time.

Another point which I wanted to touch upon is this. There is article 345 of the Constitution. It reads:

> "Subject to the provisions of articles 346 and 347, the Legislature of a State may by law adopt any one or more of the languages in use in the State or Hindi as the language or languages to be used for all or any of the official purposes of that State."

This article says that Hindi would be the official language in all the States. For the time being, those States which adopt Hindi will have it as their official language. I may submit that in the case of Ajmer and Bhopal, Hindi is spoken by everybody. Why should this additional expenditure be made by us by making this amendment which we are seeking to have? We are going a little further. We are not only making English the official language but we are also providing—

> "Provided that where the Legislative Assembly of a State has

prescribed any language other than the English language for use in Bills introduced in, or Acts passed by, the Legislative Assembly of the State or in any order, rule, regulation or bye-law issued under any law made by the Legislative Assembly of the State, a translation of the same in the English language published under the authority of the Chief Commissioner in the Official Gazette shall be deemed to be the authoritative text thereof in the English language."

Once we have accepted that Hindi will be our language, it will be the language of that State also. What is the necessity that has arisen to make the suggestion that we should drop the resolution which is already there, drop that idea altogether and come back to English? You very pertinently drew my attention that I must adhere to the grounds that have been given in the Statement of Objects and Reasons. I do not find any ground being given as to how this necessity has been felt or how the Government or the President was advised that we must drop the use of Hindi in the various Part C States and make use of the English language. I say further that the people of Vindhya Pradesh who are here will tell you that they all speak Hindi. The people of Himachal Pradesh do the same thing. The people of Delhi are not lagging behind in speaking Hindi, and the people of Ajmer are really very well versed in the knowledge of Hindi. We do not know how this necessity has arisen for dropping the use of the Hindi language and coming back to the use of English.

Mr. Deputy-Speaker: In what States is the Hindi language used for Bills?

Shri U. M. Trivedi: In Madhya Bharat and Rajasthan.

Mr. Deputy-Speaker: This only refers to Part C States.

Shri U. M. Trivedi: I am only making this suggestion.....

Mr. Deputy-Speaker: In how many Part C States is Hindi the language that is used for Bills?

Shri U. M. Trivedi: Hindi is the language of all people residing in all these States, except of the people of Coorg.

Mr. Deputy-Speaker: So far as Vindhya Pradesh is concerned.....

Mr. U. M. Trivedi: I catch your point. I am not concerned with the resolution which may or may not be passed. I do not know if there is that resolution and I cannot say anything to the contrary. Nor do I admit that there is no such resolution. What I submit is that when Hindi has been adopted as the national language and when it is already the regional language of all these regions, I do not see how the necessity arises for imposing English upon these citizens. This is my point.

पंडित सी० एन० मालवीय (रायसेन) : श्रीमान उपाध्यक्ष जी, पार्ट सी० रियासतों के सम्बन्ध में जो अमेंडमेंट बिल प्रसतुत किया गया है उस के सम्बन्ध में मेरे साथी त्रिवेदी जी ने जो बात कही है मेरा ऐसा ख्याल है कि वह बिल्कुल गैर मुताल्लिक है । पार्ट सी० रियासतों को खत्म करने का जो मसला है उस के मुताल्लिक तो जो बाउंडरी कमीशन मुकर्रर हुआ है उस की रिपोर्ट आने के बाद ही कुछ कहा जा सकेगा और उस वक्त ही यह मालूम होगा कि पार्ट सी० रियासतों का भविष्य क्या होगा । इस सिलसिले में उन्हों ने एक बात को नजरअन्दाज कर दिया कि अजमेर वालों की क्या राय है । अभी हाल एक साथी ने कहा कि अजमेर के लोग इस से पहले जरूर कुछ राय रखते थे जब कि तमाम इन रियासतों का एकीकरण हो रहा था लेकिन अब जो पार्ट सी० रियासतों के रहने वाले हैं उन की राय किस ओर है । अब उन को बजाय खत्म करने के वहां के लोगों की राय यह होती जा रही है कि उन रियासतों को और ज्यादा बढ़ा कर के हिन्दु-

[पंडित सी० एन० मालवीय]

स्तान की जो और रियासतें बनें उन्हीं के समान दरजा दिया जाय ।

दूसरी बात कि राजस्थान के लोगों से अजमेर के सम्बन्ध में पूछना या भोपाल के सम्बन्ध में मध्यभारत के लोगों से पूछना यह कोई लोकतंत्रात्मक तरीक़ा नहीं है । इस सिलसिले में भोपाल के लोगों से ही पूछना चाहिए, अजमेर के लोगों से ही पूछना चाहिए कि वह क्या चाहते हैं । यहां के रहने वाले लोग भी हिन्दुस्तान से अलग नहीं हैं । वह भी भारत की एकता को चाहते हैं और हिन्दुस्तान में रहने वाले एक नागरिक की हैसियत से सोचते हैं और वह वही सोचेंगे जो भारत के हित में होगा और उन के हित में होगा ।

इस सिलसिले में जो दूसरी बात अंग्रेजी और हिन्दी के सम्बन्ध में कही है उस में त्रिवेदी जी ने यह बात दिखाने की कोशिश की है कि इस अमेंडमेंट के जरय से हम हिन्दी को शायद वह यह भूल गये कि अभी अंग्रेजी भाषा चल रही है । कोर्टों में चल रही है हमारी पार्लियामेंट में चल रही है और हिन्दुस्तान के बहुत से ऐसे भाग हैं जहां अभी हिन्दी भाषा का प्रयोग नहीं हो सका है ।

एक माननीय सदस्य : त्रिवेदी जी के भाषण में चल रही है ।

पंडित सी० एन० मालवीय : तो यह भावना तो अच्छी है और किसी को इस से इख्तिलाफ भी नहीं है कि हिन्दी भाषा होनी चाहिए और इस के लिए हम कदम भी बढ़ा रहे हैं, जितना भी हो सक रहा है उतनी जल्दी भी कर रहे हैं । लेकिन अगर हिन्दी भाषा को पार्ट सी० रियासतों के लिए कर दिया जायगा तो उस का परिणाम यह होगा कि सिर्फ वहां वाले उस कानून को समझ सकेंगे और कोई दूसरा जो देखेगा वह मुमकिन है न समझ सके । इसलिय अगर आप ध्यान से देखें तो आप को मालूम होगा कि उसी अमेंडमेंट में यह प्रावीजन है कि पार्ट सी० रियासतों को इस से नहीं रोका गया है कि वह अपनी रीजनल भाषा में बिल या ऐक्ट पास कर लें । वह अपने यहां की भाषा में चाहे वह हिन्दी हो या और कोई भाषा हो अपने बिल पेश कर सकते हैं । उदाहरण के तौर पर में भोपाल की मिसाल आप के सामने पेश करता हूं । भोपाल में हिन्दी में बिल पेश होते हैं, हिन्दी में उनके ऊपर बहस होती है, हिन्दी में उन पर संशोधन पेश किये जाते हैं । लेकिन आसानी के लिए और उस चीज़ को तमाम हिन्दुस्तान के नक्शे में बिठाने के लिए यह किया जा रहा है कि उस का अनुवाद अंग्रेज़ी में भी हो । [आखिर वह कोनसा मसविदा होगा जिस को हमारे त्रिवेदी जी मानेंगे और जिस का इंटरप्रिटेशन अदालतें करेंगी । जाहिर है कि अभी तक हम इस हालत में नहीं हुए हैं कि हिन्दी कानूनों की सही तरीके से व्याख्या कर सकें । ऐसी सूरत में मेरे ख्याल से अगर त्रिवेदी जी को कोई कानून के मताल्लिक मुकदमा लड़ना पड़ा तो वह हिन्दी के कानून को तो अपने सामने रखेंगें लेकिन शायद वह इतनी हिन्दी नहीं जानते कि उस अनुवाद को समझ सकें.....

श्री यू० एम० त्रिवेदी : यह बात गलत है । शायद मैं आप से ज्यादा जानता हूं ।

पंडित सी० एन० मालवीय : लेकिन जो अनुवाद होता है उस से ज्यादा नहीं जानते होंगे ।

श्री यू० एम० त्रिवेदी : उस अनुवाद को भी मैं सही कर सकता हूं ।

उपाध्यक्ष महोदय : आप से मानी चेयर, Is it? I do not know if he hon. Member knows more than the Chair itself.

पंडित सी० एन० मालवीय : श्रीमान उपाध्यक्ष जी, त्रिवेदी जी ने जो तकरीर की है मैं सिर्फ उस का हावाला दे रहा हूं। मैं यह कह रहा था कि अगर मेरे दोस्त त्रिवेदी जी को उस कानून पर किसी अदालत में बहस करने की जरूरत होगी तो वह अंग्रेजी के अनुवाद को देखेंगे और उसी के अनुसार केसेज को करेंगे और उन को इस चीज की जरूरत पड़ेगी। ऐसी सूरत में यह कहना कि हिन्दी भाषा को मटियामेट कर रहे हैं या उस को पीछे की ओर हटा रहे हैं यह सही नहीं है बल्कि यह सिर्फ आसानी की बात है और इस मामले में यह बात साफ कर दी गयी है कि सिर्फ उस का जो अंग्रेजी का मसविदा होगा उसे आथारिटेटिव माना जायेगा, लेकिन पार्ट सी० स्टेट्स को यह अधिकार है कि वे जो अपने कानून बनावें या जो बिल लावें उन को हिन्दी में या रीजनल भाषा में बना सकती हैं।

इस के बाद एक बात और है जिस में यह है कि पहली अप्रैल सन् १९५२ के पहले, चूंकि वहां सी पार्ट रियासतों में लेजिस्लेटिव असैम्बलीज नहीं थीं, इसलिये पार्लियामेंट ने कुछ कानून उन के लिये बनाए थे या कुछ दूसरे सूबों के क़ानूनों को वहां लागू कर लिया गया था, उस सिलसिले में कुछ क़ानून ऐसा बन गया था कि संशोधन नहीं हो सकता। इस के लिये जरूरत थी कि तबदीली की जाय जिस में वहां सी पाट की असैम्बलीज उन क़ानूनों में भी संशोधन कर सकें। यह बात दूसरी है कि उन क़ानूनों में कुछ तबदीली की जाय या नहीं, लेकिन यह अख्तियार उन को जरूर होना चाहिये। जब तक ये सी पार्ट रियासतें हैं वह अगर यह महसूस करें कि पहली अप्रैल सन् १९५२ के पहले ऐसे क़ानून बन गये हैं जिन में कुछ तबदीली करने की आवश्यकता है तो वह उस में तबदीली कर सकें। मेरी समझ में यह कोई लोकतन्त्र के विरुद्ध नहीं है। जब तक सी पार्ट रियासतें हैं उन को यह अधिकार दिया जाना चाहिये। उन को यह अख्तियार है कि स्टेट लिस्ट में जितने क़ानून बने हैं वह उन में संशोधन कर सकें तो फिर सिर्फ़ पहली अप्रैल सन् १९५२ के पहले जो क़ानून बने हैं उन को तरमीम न कर सकें यह बात समझ में नहीं आती। इसलिये इस की पूरी जरूरत थी। सी पार्ट की रियासतों की तरफ़ से, वहां के लैजिस्लेचर्स के जरिए से वहां के मिनिस्टर्स के जरिए से और वहां के जो अन्य लोग हैं उन के जरिए से और जो जनता वहां की है उन की तरफ़ से भी कई रिप्रेजेंटेशन किये गये और उस की बिना पर यह तमाम चीजें इस बिल में लाई गई है और इन की सख्त जरूरत है।

इस के बाद कनसालिडेटेड फंड और कंटिंजेंसी फंड की बात है, इस की भी सख्त जरूरत है। इस सिलसिले में मैं तमाम सी पार्ट रियासतों की तरफ़ से तो नहीं कह सकता, लेकिन भोपाल की तरफ़ से मैं जरूर सेंट्रल गवर्नमेंट का मशकूर हूं और वहां की जनता का आभार प्रदर्शित करता हूं। वहां इस से आप ने काफी तरक्की करने का मौक़ा दिया है। एक साहब ने यहां कहा थ कि भोपाल को इतना रुपया क्यों दिया जाता है? इसलिये कि भोपाल में इन्तजाम अच्छे तरीक़े से हो रहा है और उस के नतीजे निकल रहे हैं। वहां पर तरक्की करने के लिये जितनी जरूरत होती है वह मदद दी जा रही है। लेकिन एक दिक्कत यह होती थी कि कभी कभी खर्च के लिये रुक जाना पड़ता था और इसलिये वहां ऐसी सूरत आ जाने पर जब कि उन को किसी खर्च की जरूरत पड़ती थी तो उन के पास खर्च के लिये कोई फंड ऐसा नहीं था जिस में से वह खर्च कर सकें। इसलिये इस कंटिंजेंसी फंड के पैदा करने से वहां यह जरूरत पूरी हो जायगी और इस तरीक़े से उन के काम में आसानी पैदा हो जायगी।

[पंडित सी० एन मालवीय]

एक बात की तरफ़ मैं ज़रूर ध्यान दिलाना चाहता हूं। यह जो कनसालिडेटेड फंड सी पार्ट रियासतों के लिये है इस में अक्सर यह होता है कि जो मंजूरियां हो जाती हैं उन मंजूरियों के बाद केन्द्र से अदाई देर में होती है और जो फंड होते हैं उन के खर्च होने में अक्सर देर हो जाती है और इस वजह से वह लैप्स हो जाते हैं। इसलिये इन के इन्तज़ाम के बारे में यह करना चाहिये कि जो वहां कंटिंजेंसी फंड या दूसरे फंड सी पार्ट रियासतों के लिये हों वह इस तरीक़े से रखे जायें कि जो बजट मंजूर हो जायें, जिस फंड के लिये रुपया मंजूर हो जाय, वह आसानी से फौरन उन को मिल सके और उन को दिल्ली के ज्यादा चक्कर नहीं काटने पड़ें जिस से कि उन के काम में ज्यादा रुकावट पैदा होती है।

इन शब्दों के साथ मैं इस अमेंडमेंट का समर्थन करता हूं और मैं कोई वजह नहीं पाता कि इस में कोई हिन्दी अंग्रजी का सवाल पैदा किया गया है या जो पार्लियामेंट ने किया है उस को मटियामेट करने का सवाल पैदा किया गया है या यह कि जो सी पार्ट रियासतें हैं उन के लिये कोई विरासत लिख दी जा रही है कि वह कभी खत्म नहीं होंगी और जैसी हैं वैसी ही बनी रहेंगी। इस वक्त जो पोज़ीशन है उस को सामने रख कर इस अमेंडमेंट बिल को लाने की सख्त ज़रूरत थी।

श्री एम० एल० द्विवेदी (जिला हमीरपुर) : उपाध्यक्ष महोदय, मुझे खुशी है कि हमारे राज्य विभाग के मंत्री ने एक ऐसा विधेयक हमारे सामने उपस्थित किया है कि जिस में भाग ग राज्यों को कुछ और अधिकार दिये जा रहे हैं। जैसा कि इस विधेयक के उद्देश्य और कारणों (आबजैक्टस और रीजन्स) के बयान में लिखा है :

— "Representations have been made that the Act does not enable the State Legislative Assemblies to amend laws made for the States by Parliament prior to 1st April, 1952".

इस सम्बन्ध में तो उन्हों ने आप ही इस बात को स्वीकार कर लिया है। लेकिन मेरा ख्याल है कि भाग ग राज्य के प्रधान मंत्रियों ने और भी अनेक कठिनाइयों का उल्लेख किया था। अच्छा होता कि वह तमाम कठिनाइयां जिन का सामना भाग ग राज्यों को करना पड़ रहा है इस विधेयक से दूर हो जातीं। मुझ को एक समाचार से जो हिन्दुस्तान टाइम्स के ६ अगस्त सन् १९५३ के अंक में छपा था, उस से यह बात साफ मालूम हुई थी। उस में यह साफ़ तौर पर लिखा है : कि

"The Minister of States said that the points raised by the Chief Ministers of Part C States in their memorandum have been considered and orders have been issued on most of them. In all cases arrangements of a permanent nature were required."

इस से जाहिर होता है कि क़रीब क़रीब सब बातों पर समझौता था और वह सभी बातें स्वीकार कर ली गई थीं। लेकिन जहां तक मुझे इस विधेयक से मालूम हो रहा है, वह तमाम बातें इस में नहीं आई जो कि चीफ़ मिनिस्टर्स ने अपने मांगपत्र (रिप्रैजेंटेशन) में पेश की थीं। उन्हों ने कई बातों का उल्लेख किया था। मिसाल के लिये एक तो यह है कि जो कठिनायां भाग ग राज्यों में महसूस की जा रही हैं उन को दूर कर दिया जाय। वह इस में कुछ अंश में किया जा रहा है। इस के अलावा उन की धन खर्च करने की जो शक्ति है, मर्यादा है, उस को भी बढ़ाने के लिये उन्हों ने कुछ मसौदा पेश किया था। तीसरी बात जो उन्हों ने कही थी वह यह है कि कर्मचारियों (सरविसेज) पर उन का

अधिकार (कंट्रोल) होना चाहिये, इस सम्बन्ध में भी इस बिल में कोई जिक्र नहीं आया।

इस के अलावा राज्य सरकार के प्रधान मन्त्रियों के प्रतिनिधि मंडल की जो बातचीत मन्त्री महोदय से हुई थी उस में यह था कि अभी तक जो वहां की धारा सभाएं हैं, ग राज्यों में, उन को बहुत संकुचित अधिकार हैं, यहां तक कि किसी बिल के मसौदे को पेश करने के पेश्तर उन को यहां केन्द्रीय सरकार के पास भेजना पड़ता है। जब वह यहां से मंजूर हो कर जाता है तभी राज्य सभा में वह पेश होता है।

पंडित ठाकुर दास भार्गव (गुड़गांव) : किस कानून के मातहत यह मसौदा यहां भेजा जाता है ?

श्री एम० एल० द्विवेदी : किस क़ानून के मातहत विधेयकों के प्रारूप भेजे जाते हैं यह मैं नहीं जानता लेकिन ऐसा व्यौहार (प्रैक्टिस) में हो रहा है। कोई क़ानून हो या न हो यह मैं नहीं कह सकता। मुमकिन है कि यह मन्त्री महोदय की कुछ निजी हिदायतें हों, लेकिन यह जो आजकल चल रही है वह बात है। राज्यों के प्रधान मन्त्रियों ने जो अपना वक्तव्य दिया था और जो आप के सामने बातें रखी थीं उस में यह साफ़ तौर से कहा था कि यह दिक्कत भी हटा लेनी चाहिये, क्योंकि संविधान (कांस्टीट्यूशन) में यह साफ़ तौर पर लिखा है कि :

"The Constitution laid down that no Bill should become an Act unless it received the President's assent."

कांस्टीट्यूशन में सिर्फ़ इतनी ही बात है कि बिल को पास होने के पहले प्रैसीडेंट की स्वीकृति की आवश्यकता है। इसलिये इस तरह की कठिनाइयों को भी दूर होना आवश्यक था।

एक बात और है जो कि प्रधान मन्त्रियों के प्रतिनिधि मंडल ने कही थी। वह यह है कि २० हजार से अधिक खर्च वहां के प्रधान मन्त्री या सरकारें नहीं कर सकतीं। वह चाहते थे कि बड़ी बड़ी रक़में जो बजट में स्वीकृत हो जाती हैं और जो बजट केन्द्र से भी स्वीकृत हो जाता है, उस में स्वीकृत धन राशियों को तो वे कम से कम खर्च कर सकें। अभी वह उस स्वीकृत रक़मों में से भी २० हजार से अधिक खर्च नहीं कर सकते। जब बजट राज्य सरकार द्वारा और राज्य सभा द्वारा पारित (पास) हो जाता है और केन्द्रीय सरकार से भी स्वीकृत हो जाता है तो क्या वजह है कि २० हजार से अधिक वह सरकारें खर्च नहीं कर पायें। हमारे देश में भाग क राज्य हैं, भाग ख राज्य हैं, भाग ग राज्य हैं और भाग घ राज्य हैं। इस प्रकार चार किस्म की श्रेणियों में वह विभिन्न प्रकार से बंटे हुए हैं! कहने को तो हम यह कहते हैं कि जल्दी से जल्दी सब को हम बराबरी का अधिकार देना चाहते हैं, लेकिन वस्तुतः अभी ग राज्यों के अन्दर जो कठिनाइयां महसूस हो रही हैं वह भी दूर नहीं हो रही हैं। मैं आशा करता था कि इस विधेयक में उन सब बातों का समावेश कर दिया जायगा। खैर अभी नहीं किया गया है तो आगे किया जायेगा, क्योंकि मुझे मालूम है कि पहले जब अयोग्यता निवारक विधेयक (रिमूवल आफ डिसक्वालिफिकेशन बिल) यहां पेश किया गया था तो मैं ने मन्त्री महोदय के सामने बहुत नम्रतापूर्वक अर्ज किया था कि आप इस के अन्दर धारा १७ का भी संशोधन कर दें जिस में उन के बारे में फिर से कोई आपत्ति खड़ी न हो सके। लेकिन उस समय यह बात नहीं मानी गयी। आज वही बात इस बिल में रखी गयी है। तो बार बार टुकड़ों में एक चीज को करने से तो अच्छा यह है कि तमाम समस्याओं पर हम विचार करें और विचार

[श्री एम० एल० द्विवेदी]

करने के बाद एक पूरा (काम्प्रहैंसिव) क़ानून तैयार करें जिस से समस्याओं का हल बहुत देर तक के लिये हो जाय । मैं उन से फिर से नम्र निवेदन करूंगा कि ऐसा मौक़ा जब कभी आये तो सदस्यों (मैम्बरों) से, राज्यसरकारों से और अन्य लोगों से मशविरा कर के यह बातें की जायें तो अच्छा हो । मैं आशा करता हूं कि मन्त्री महोदय इस बात को स्वीकार करेंगे ।

एक और बात की तरफ़ मैं मन्त्री महोदय की तवज्जह दिलाना चाहता हूं और वह यह है कि अभी जैसा मैं ने कहा, २० हजार से अधिक खर्च करने का अधिकार वहां की राज्य सरकारों को नहीं है, इसी सम्बन्ध में किसी अफसर को विशेष भत्ता यदि राज्य सरकार देना चाहती है तो वह भी नहीं दे सकती । मेरी समझ में इस का भी संशोधन करना आवश्यक था ।

भाग 'ग' राज्यों के अन्दर अभी तक जुडीशल अमिश्नर कोर्ट्स हैं और वह केवल चीफ़ कोर्ट या हाईकोर्ट की हैसियत से काम कर रहे हैं, इन में एक ही व्यक्ति होता है जो जज का काम करता है और आजकल के वर्तमान समय में जब हम हाईकोर्ट में बेंचेज या एक से अधिक जजों की नियुक्ति करते हैं और यदि हम वहां पर बड़े इजलासों का निर्माण करें तो वह ठीक और उचित होगा क्योंकि किसी भी अभियोग (केस) में यह भी संभव हो सकता है कि एक आदमी किसी एक बात से प्रभावित हो जाय इसलिए यदि हम वहां पर बड़े इजलासों का निर्माण करते तो वह अच्छा होगा । आर्थिक दृष्टि से ऐसा संभव नहीं है, इसलिए प्रधान मंत्रियों ने निवेदन किया था कि या तो आप ऐसा करें कि उन के पास पड़ौस की किसी राज्य के हाई कोर्ट से मिला दें यदि ऐसा न हो सके, तो भाग 'ग' राज्यों के जितने आयुक्त न्यायाधीश (जुडीशल कमिश्नर्स) हैं उन को मिला कर एक हाईकोर्ट का निर्माण कर दें, ताकि वह सब मिल कर विभिन्न राज्यों में अलग अलग न्याय करें ।

Dr. Katju: I must interrupt here. The hon. Member is not correctly informed.

श्री एम० एल० द्विवेदी : जो बात मैं आप को बतला रहा हूं वह हिन्दुस्तान टाइम्स की १ सितम्बर, सन् १९५३ की रिपोर्ट के आधार पर आश्रित है, उस में लिखा है :

"An appellate court with a single judge was not considered a desirable one and the Chief Ministers felt that these Judicial Commissioners should jointly sit and function as a High Court (this involves no additional expenditure) or the jurisdiction of the neighbouring High Courts should be extended to Part 'C' States".

डा० काटजू : आज १६ फरवरी है ।

श्री एम० एल० द्विवेदी : आज अगर हालत में सुधार हो गया है, तो यह बड़ी प्रसन्नता की बात है, और मैं आशा करता हूं कि हमारे मंत्री महोदय ने सुधारों की जो योजना बनायी होगी, वह सुधार हमारे समक्ष आयेंगे ।

अब इस बिल के सम्बन्ध में जो उद्देश्य और कारण (आब्जेक्ट्स एण्ड रीजन्स) दिये गये हैं उसमें भाषा के ऊपर भी संशोधन पेश किया गया है । जहां तक मैं समझता हूं हमारे संविधान में जो भाषा सम्बन्धी धारा है उस में स्पष्ट लिखा है कि :

"The language of the Union shall be Hindi or English."

लेकिन भाग 'ग' राज्यों के संशोधन विधेयक में लिखा है कि :

"The language shall be the English language".

मैं मानता हूं कि आगे चलकर मंत्री महोदय ने यह बात स्वीकार की है कि जहां कहीं दूसरी भाषा राज्य सरकार ने प्रचलित कर दी हो, वहां अंग्रेजी का अनुवाद जो गजट में शाया होंगे, वह प्रमाणित माने जायेंगे। अंग्रेजी में अनुवाद प्रमाणित माना जाय, इस में मुझे आपत्ति नहीं है। लेकिन मेरा तो कहना यह है कि जब हमारे राज्य की भाषा हिन्दी है, तो उस को क्यों नहीं माना जाता और जब संविधान (कांस्टीट्यूशन) में स्पष्ट लिखा है कि हमारे राष्ट्र की भाषा हिन्दी होगी, उचित और न्यायसंगत है कि हिन्दी भी मान लेना चाहिए और साथ हीं अंग्रेजी का अनुवाद भी प्रमाणित मान लिया जाय उस समय तक जब तक कि यह पन्द्रह वर्ष की अवधि पूरी नहीं होती। मैं आप को बतलाऊं कि भाग 'ग' राज्यों में अधिकतर हिन्दी में ही काम होता था और मैं भी एक ऐसे राज्य से आता हूं जो 'ग' भाग में सम्मिलित है और इस नाते मुझे वहां का अच्छी तरह ज्ञान है और मैं आप को बताऊं कि अभी तक वहां सारा राजकाज हिन्दी में चलता था और कोई आपत्ति नहीं की जाती थी...

Mr. Deputy-Speaker: I would like to know from the hon. Member with regard to this amendment, if article 348 does not require Bills to be in English. Article 348 of the Constitution, sub clause (b) requires it shall be in English.

Shri M. L. Dwivedi: Yes. Therefore, the amendment which I have suggested does not debar or exclude English from being accepted as one of the languages in which authorised texts of the Bills, rules and regulations can be publicised or made.

जो बात मैं कहता हूं वह यह है कि हिन्दी के अलावा अंग्रेजी भी मानी जाय जैसा कि हमारे संविधान ने माना है। अंग्रेजी में भी बिल और क़ानून संकल्प आदि छापे जायं लेकिन वहां राज्य की प्रधान भाषा हिन्दी हो और अंग्रेजी भाषा दूसरी भाषा हो और साथ ही बिल आदि के जो अंग्रेजी अनुवाद हों उन को प्रमाणिक माना जाय।

पंडित ठाकुर दास भार्गव : वह तो अब भी मौजूद है, ऐसा तो नहीं हुआ कि वहां की भाषा अंग्रेजी कर दी गयी।

श्री एम० एल० द्विवेदी : नहीं, बहुत फ़र्क पड़ गया है, अब वहां जितनी कार्रवाई है, वह सब अंग्रेजी में चलती है। विन्ध्य प्रदेश, भूपाल और अजमेर में जहां पर पहले सब कामकाज हिन्दी में होता था, वहां अब अंग्रेजी में होता है.....

डा० काटजू : भूपाल में तो सब फारसी और उर्दू में होता था, भूपाल में तो कामकाज हिन्दी में नहीं होता था।

श्री एम० एल० द्विवेदी : वहां आप हिन्दी कर दीजिये, हिन्दी तो हमारे सारे मुल्क भर की भाषा है, साथ में अंग्रेजी भी चले, मैं यह नहीं कहता कि अंग्रेजी न रहे, लेकिन आम कामकाज जो वहां पहले सब हिन्दी में चलता था, वह चलता रहे। आज आप के उस में नये संशोधन करने से यह हो गया है कि लोगों को जो दफ़्तरों और कचहरियों आदि से सरकारी कागजों और मिस्लों की नक़लें दी जाती हैं वह अंग्रेजी में दी जाती हैं और जनता को उन का हिन्दी में अनुवाद करने में काफ़ी समय और धन खर्च करना पड़ता है और उस के लिए प्रति पृष्ट तीन तीन और चार-चार रुपये तक खर्चने पड़ते हैं। जनता को हिन्दी में उन का अनुवाद कराने में काफ़ी दिक्कत का समना करना पड़ता है। राज्य की तरफ़ से ऐसा कोई प्रबन्ध नहीं है कि उन को हिन्दी की प्रतिलिपियां मिल सकें जो कि भाग 'ग' राज्यों के निर्माण के पेश्तर उन को मिला करती थीं।

श्रीमती कमलेन्दुमति शाह (जिला गढ़वाल—पश्चिम व जिला टिहरी गढ़वाल व जिला बिजनौर—उत्तर) : यह बात मेरे जिले में भी हुई है।

श्री एम० एल० द्विवेदी : बिल्कुल सही बात कह रहा हूं। ऐसी कोई योजना बनायी गयी होत जिस से राज्य के निवासियों को अपना कामकाज हिन्दी में चला सकने की सुविधा होती, यदि केन्द्रीय सरकार से सम्पर्क रखने के लिए या किन्हीं दूसरों से बातचीत करने के लिए खतोकिताबत करने के लिए यदि आवश्यक होता तो अंग्रेजी भी वहां रखी जाती और अंग्रेजी में बिल्स आदि के अनुवाद छापे जायें और गजट प्रकाशित हों, मुझे इस में आपत्ति नहीं है। लेकिन जो प्रथा वहां पर अब तक चलती आई है, उस को मिटा कर एक दूसरी प्रथा उन राज्यों पर लाद दी जाय, मझे यह उचित नहीं जान पड़ता। मैं इस सम्बन्ध में बाद में एक संशोधन भी पेश करूंगा। 'ग' राज्यों के विषय में इन शब्द को कहने के पश्चात् मैं दो शब्द और कहूंगा और वह यह है कि हमारे संविधान में 'ग' राज्यों का निर्माण एक अजीब तरीके से हुआ। पहले केवल तीन राज्य ऐसे थे जो 'ग' राज्य थे, उदाहरण के लिए वे थे दिल्ली, कुर्ग और अजमेर।

एकीकरण और विलीनीकरण के समय कुछ राज्य ऐसे थे जहां पर 'ख' क़िस्म के राज्य नहीं बन सके और वहां पर हम को 'ग' क़िस्म के राज्यों का निर्माण करना पड़ा। उन में से कुछ जब तक 'ख' भाग के राज्य थे, तब तक उन को वह तमाम सुविधाएं प्राप्त थीं जो 'ख' भाग वाले राज्यों को अब प्राप्त हैं।, चाहे जो भी कारण हो, वहां के राजप्रमुख ठीक से काम नहीं कर सके या मंत्रीगण ठीक प्रकार से काम नहीं कर सके और इसलिए वह 'ग' राज्य बना दिये गये और उन की तमाम सुविधाएं उठा ली गईं मिसाल के लिए मैं कहता हूं कि इनकमटैक्स का जो क़ानून लागू होना था वह विन्ध्य प्रदेश में लागू नहीं होता अगर वह 'ख' भाग का राज्य रहता और जिस तरह से दूसरे भागों को यह सुविधा दी गयी है कि पांच वर्ष के बाद इनकमटैक्स लगेगा या दस वर्ष के बाद लगेगा, जहां तक इनकमटैक्स लगाने का सवाल था तो उस को भी यह सुविधा प्राप्त होती। लेकिन उस को 'ग' भाग में शामिल किया गया और वहां इनकमटैक्स एकदम लागू किया और केन्द्र के और दूसरे क़ानून लागू किये लेकिन जहां तक उस राज्य की तरक्की करने और दूसरे राज्यों के मुक़ाबले उन राज्यों में सुख सुविधा पहुंचाने का सवाल था, उपेक्षा की नीति बर्ती गयी। इसलिए मेरा कहना यह है कि जहां तक सम्भव हो ऐसे राज्य जहां कि तरक्की नहीं हुई थी, उन की तरक्की के लिए, आप को विशेष ध्यान रखना चाहिए, क्योंकि वे राज्य पूर्णरूप से आप के आश्रित हैं, वे केन्द्र के आश्रित हैं। वहां के जो मंत्रिमंडल हैं वे इतने समृद्ध नहीं हैं कि वे दूसरे राज्यों का मक़ाबला कर सकें, उन के पास इतना धन भी नहीं है और वह केन्द्र के द्वारा प्रशासित हैं इसलिए मैं मंत्री महोदय से प्रार्थना करूंगा कि क़ानून बनाते वक्त इन तमाम बातों के ऊपर विचार करके यदि सम्भव हो सके तो एक संशोधन बिल लायें जिस में इन सब चीजों का समावेश हो। इस अवसर पर और अधिक न कह कर इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूं।

श्री टंडन (जिला इलाहाबाद—पश्चिम) : महोदय, मेरा इस विधेयक पर बोलने का कोई विचार नहीं था परन्तु अभी मैं ने जो विधयक सामने है, उस में हिन्दी सम्बन्धी धारा जो पढ़ी तो मुझ को जान पड़ा कि उस में संशोधन की आवश्यकता है। यह तो मैं मानता हूं कि पन्द्रह वर्ष तक हमारे संविधान के अन्दर अंग्रेजी को अवसर दिया गया है।

डा० एन० बी० खरे (ग्वालियर) : उस में से चार साल निकल गये ।

4 P. M.

श्री टंडन : परन्तु यह बात भी स्पष्ट है, कि और केन्द्रीय सरकार भी यह मानती आई है, कि उस का कर्त्तव्य है कि अपने शासन के कामों में जहां तक सम्भव हो हिन्दी को सहारा दे । संविधान की किसी धारा को तोड़ने या उस का अतिक्रमण करने का कोई प्रश्न में नहीं उठाता । मैं स्वयम् अपने को संविधान से, जब तक वह है, बंधा हुआ मान हूं । मैं उस के बदलवाने का प्रश्न उठा सकता हूं, यत्नवान भी हूंगा । मैं संविधान में हिन्दी के बारे में जो धारायें हैं उन में से कई एक को ग़लत मानता हूं । परन्तु आज यह प्रश्न नहीं है, मैं उस से उतना ही बंधा हुआ हूं जितने कि हमारे मंत्रिगण बंधे हैं । इस कारण मैं कोई अनर्गल प्रश्न नहीं उठाऊंगा जिस में संविधान के विरुद्ध कोई बात करने को कही जाय । परन्तु मैं यह चेतावनी देता हूं कि अनावश्यक रीति से कोई धारा रखना, जब उस की आवश्यकता नहीं है, अंगरेजी के ऊपर बल और उस की ओर बार बार झुकाव देना, यह नीति के और संविधान की मंशा के भी विरुद्ध है । आप को हिन्दी को सहारा देना है—संविधान के भीतर । मैं मंत्री महोदय से पूछता हूं, जिन्हों ने बिल सामने रखा है, कि आज यह जो धारा उन्हों ने रक्खा सो क्यों ? क्या कोई मामले ऐसे आये, किसी सी क्लास स्टेट से, जिस के कारण उन को यह रखना पड़ा ? संविधान स्पष्ट है इस बात में कि हर राज्य को अधिकार है कि वह अपनी भाषा में काम करे। हमारे मंत्री जी ने सिर हिलाया, इसलिये मुझ को संविधान की धारा पढ़नी पड़ती है । धारा ३४५ में है—

"Subject to the provisions of articles 346 and 347 the Legislature of a State may by law adopt any one or more of the languages in use in the State or Hindi as the language or languages to be used for all or any of the official purposes of that State."

उस के साथ 'प्रोविज़न' भी है । यह स्पष्ट है कि हर एक राज्य को अधिकार है अपने यहां अपनी भाषा द्वारा काम करने का ।

"Provided that, until the Legislature of the State otherwise provides by law, the English language shall continue to be used for those official purposes within the State for which it was being used immediately before the commencement of this Constitution."

यह 'प्रोविज़न' तो सिर्फ वहां के लिये है जहां पर क्षेत्रीय भाषा का प्रयोग करने के लिये कोई अधिनियम अर्थात् ऐक्ट स्वीकृत नहीं हुआ । परन्तु स्पष्ट है कि हर एक राज्य को अधिकार है कि वह भाषा के सम्बन्ध में अपना निश्चय करे । इस के अनुसार कुछ प्रदेश तथा कुछ राज्य कर भी चुके हैं । मेरा अनुमान है कि बहुतों ने कर लिया है । मैं अपने उत्तर प्रदेश की बात तो जानता हूं जहां मैं स्वयं विधानसभा का अध्यक्ष था । वहां मेरी अध्यक्षता में ही इस प्रकार का अधिनियम, मंजूर हो चुका था ।

पंडित ठाकुर दास भार्गव : आप ने पहले ही से कर दिया था ।

श्री टंडन : मेरी अध्यक्षता में वह स्वीकार हुआ था । इस प्रकार का अधिकार हर एक राज्य को है । संविधान में यह भी स्पष्ट है कि जहां अपनी भाषा के बारे में कोई कानून पास भी हो गया हो वहां भी अधिनियमों, आज्ञाओं, नियमों, आदेशों आदि का अंगरेजी में अनुवाद उस शासन को प्रकाशित करना होगा । जो अनुवाद प्रकाशित होगा अंगरेजी में वह संविधान के शब्दों में 'अथारिटेटिव टैक्स्ट माना जायेगा । आज आप को क्या आवश्यकता पड़ी कि संविधान की एक धारा

[श्री टंडन]

के अंश को इस विधयक में आप ने रखा ? अगर रखना ही है तो मेरा सुझाव है कि आप देखिये ३३ ए की भाषा को । आप ने इस में 'प्रोविजन' दे कर कुछ सहारा तो क्षेत्रीय भाषा को दिया है लेकिन जो असली धारा है, जो मुख्य वाक्य हैं, उस में आप ने कहा है कि हर एक बिल इत्यादि, आर्डर इत्यादि अंगरेजी भाषा में होगा । यह तो अशुद्ध भी है । यह सही है कि हम इस अशुद्ध चीज को लिख कर "प्रोवाइडेड दैट" कह कर, एक अपवाद दे कर उसे सम्भाला है । परन्तु प्रारम्भ आप ने किया एक अशुद्ध बात से । वह बात अपने में अशुद्ध है अनर्गल है, संविधान के विरुद्ध है । एक गलत चीज को रख कर, विधान के अन्दर "प्रोवाइडेड दैट" लिख कर.....

श्री नन्द लाल शर्मा (सीकर) : "प्रोवाइडेड दैट" रीजनल लैंग्वेज के लिये है, हिन्दी के लिये नहीं ।

श्री टंडन : मैं आप से कहता हूं कि यह चीज ठीक नहीं है क्योंकि इस "प्रोवाइडेड दैट" में, जैसा मेरे भाई ने अभी कहा, हिन्दी के लिय नहीं कहा है । अगर हिन्दी नहीं है तो वह धारा संविधान की धारा ३४५ के विरुद्ध जाती है क्योंकि हर एक स्टेट को अधिकार है, ट्रावनकोर तक को अधिकार है कि वह अपन यहां हिन्दी रखे । मैं आप से यह कहता हूं कि इस का यह अर्थ है । वह हिन्दी रखेगा नहीं परन्तु हिन्दी रखने का अधिकार ट्रावनकोर-कोचीन को है । मैसूर को अधिकार है कि वह चाहे तो हिन्दी को अपने यहां की भाषा रख सकता है । आपने इस क्लाज से इस को रोक दिया है । मैं आप को एक सुझाव देता हूं कि आप को केवल यह देखना है कि क्या कोई, 'लैकुना' जैसा आप ने कहा था, कोई कमी रह गई है । मेरा कहना है कि किसी कमी का प्रश्न नहीं उठता । संविधान (कान्स्टिट्यूशन) सब के ऊपर है । और अगर कहीं पर आप को कोई कमी दिखलाई पड़ती है तो मेरा कथन यह है कि आप इस पहले वाक्य को हटा दें । जहां आप ने कहा है :

"Notwithstanding anything contained in Section 33, until Parliament by law otherwise provides, the authoritative texts—

(a) of all Bills to be introduced or amendments thereto to be moved in the Legislative Assembly of a State,

(b) of all Acts passed by the Legislative Assembly of a State, and ...

(c) of all orders, rules, regulations and bye-laws issued under any law made by the Legislative Assembly of a State,

shall be in the English language."

मैं कहता हूं कि इस को आप हटा दें । हां, तो आप का 'प्रोविजन' इस में है उस को मुख्य 'टेक्स्ट' बनाइये, जिस को आप ने, "प्रोवाइडेड दैट" कर के लिखा है ।

श्री एम० एल० द्विवेदी : मेरा संशोधन इसी भांति है ।

श्री टंडन : आप यह स्पष्ट कर दें कि बिल्स का, रेगुलेशन्स का, आर्डर्स का 'अथारिटेटिव टेक्स्ट' अंगरेजी में होगा । यह संविधान (कांस्टीट्यूशन) में भी है । आप उस को इस में धर दें । ३४५ के अन्दर जो अधिकार है उस को आप मान कर आगे चलें । यदि आप इस कानून में भाषा सम्बन्धी धारा आवश्यक समझते हैं तो कुछ शब्दों में आप ३४५ का हवाला दें कि हर राज्य को अधिकार है कि वह अपने यहां हिन्दी अथवा क्षेत्रीय भाषा रखें और आप यह भी हवाला दे दें कि 'अथारिटेटिव टैक्स्ट' अंग्रेजी में होगा, जैसा कि संविधान

की धारा ३४८ में कहा गया है। इस में आप का कुछ बिगड़ता नहीं है। मैं अपने माननीय मंत्री महोदय से पूछता हूं कि मेरे इस सुझाव के अन्दर क्या 'लेक्यूना' रह जायगा। यह मैं जानना चाहूंगा। मेरा विचार है कि बिल्कुल पूरा काम होता है। अपने मसौदे में आप अंग्रेजी को चढ़ा रहे हैं, सहारा दे रहे हैं। हर रियासत को मजबूत कर रहे हैं कि वह अंग्रेजी में काम करे। जिस रियासत में दम है वह आप की बात फेंक देगी। अगर मैं कहीं चीफ़ मिनिस्टर होऊं तो मैं तो उस 'प्रोवाइजों' के अन्दर हिन्दी को रखूंगा। बात स्पष्ट है। मगर मैं जानता हूं कि राज्यों के साधारण मिनिस्टर कमजोर होते हैं। वह यह समझेंगे कि आप ने जो यह लिख दिया है कि, "शैल बी इन दी इंगलिश लेंग्वेज" यह उन को दाब रहा है। वह 'प्रोवाइजों' का पूरा लाभ नहीं उठायेंगे। जैसा कि अभी मालूम हुआ कई जगह अंग्रेजी चल रही है। उत्तर प्रदेश में अंग्रेजी नहीं है। मैं ने अपने सामने सही रूप देकर स्पीकरी छोड़ी थी। वहां आज भी वही है। वहां अंग्रेजी नहीं चल पायी है। कांस्टीट्यूशन की मजबूरी की वजह से अंग्रेजी में बिलों, आदेशों आदि का अनुवाद अवश्य हो जाता है। परन्तु वहां का काम हिन्दी में होता है। मेरा निवेदन है मंत्री महोदय से कि वह ऐसा रूप दें कि लोगों को यह बहकावा न हो, यह धारणा न हो कि जो कुछ वह काम करें वह अंग्रेजी में हो। "शैल बी इन दी इंगलिश लेंग्वेज"। यह न रखिये। जितना संविधान के अन्दर आवश्यक है उतना ही आप बचाव करें। मेरा यह नम्रता से सुझाव है।

Shri Sadhan Gupta (Calcutta—South—East): Sir, the Minister in charge of the Bill has told us that the Bill is a non-controversial measure. Already, by the controversy that has arisen, not only from this side of the House but from the Minister's side itself, it is absolutely clear that the Bill is far from a non-controversial measure. I wish to place on record the emphatic condemnation of my party as well as, I think, of the entire Opposition—the emphatic condemnation of the sins of omission as well as the sins of commission in this Bill. Regarding the omissions we are very much struck by the fact that instead of trying to remedy the situation in the Part C States, instead of trying to cure the undemocratic method of administration that prevails in the Part C States under the Government of Part C States Act, this Bill seeks further to prepetuate that, and as a matter of fact in many respects it seeks to further intensify the undemocratic character of the Part C States Act.

Now, Sir, we all know that our Government is a member of the Commonwealth and it is very fond of copying things bodily from British models. In this respect, regarding the administration of Part C States, we find that it has copied, almost verbatim, the system of colonial administration that British imperialism had evolved for its colonies. According to the different degrees of resistance to British rule, British imperialism had evolved several systems, some offering relatively more of responsible Government, some offering relatively less of responsible Government, and some offering no responsible Government at all, in the different colonies. We find the same system in operation in the administration of Part C States.

Three of the Part C States, for no accountable reason, have been altogether denied responsible government —Tripura, Kutch and Manipur. They have no legislatures, they have no Governments of their own practically, although there is a great clamour in all these States for responsible Government. This Bill does not seek to remedy that state of affairs. It does not seek to extend responsible Government to Tripura, Kutch and Manipur.

Secondly, even the measure of responsible Government which has been granted to the other Part C States—Ajmer, Bhopal, Coorg, Delhi, Himachal

[Shri Sadhan Gupta]

Pradesh and Vindhya Pradesh—can hardly be said to be a democratic administration. At every step the President has the right to overrule the decision of the elected legislatures. We all know whoever knows the A, B, C, of constitutional law knows, that under the guise of the name of the President it is really the Central Government that is vested with the authority. That is to say, the legislatures elected by the people may decide one way, and yet the Central Government has the unfettered right of vetoing that decision. For a democracy it is a monstrous conception.....

Mr. Deputy-Speaker: We are not going into the general question here.

An Hon. Member: By way of passing reference.

Mr. Deputy-Speaker: Whether by way of passing reference or otherwise, those matters are irrelevant here. This is merely an amending Bill, touching only two provisions, of the parent Act. Hon. Members may confine themselves to those provisions. We cannot go on expatiating on the parent Act or condemning it.

Shri Sadhan Gupta: I shall be very brief.

Mr. Deputy-Speaker: Already he has taken much time over the general policy. He may come to the particular provisions of the Bill.

Shri Sadhan Gupta: Now, Sir, in pursuit of this policy of denying democratic administration to the Part C States we find, in the first place, that one more item has been added to those charged to the Consolidated Fund. The idea is obvious, because in the parent Act it is provided that items charged to the Consolidated Fund may not be voted by the Assemblies. Now, another item has been added to the items chargeable to the Consolidated Fund, by amendment of section 28. Clause 5 adds a clause (bb) to clause (b) of subsection (3) of section 28 which provides that interest on loans, sinking fund charges among other things will be charged to the Consolidated Fund, and so by implication it excludes the right of the Assembly to vote on it.

Now the second thing is, a Contingency Fund is created. How is the Contingency Fund to come into existence? Not by allocations made by the Legislature or by the Government of the State which presumably would enjoy the confidence of the Legislature, but by the dictation of the President, or in other words, the Central Government is to determine what funds will be payable out of the revenues of the State to the Contingency Fund. Now Sir, that is a kind of policy, that is a kind of administration, we have learnt from the British and we are trying to impose it on our own people. Sir, what I want to point out is that these Part C States are parts of our country. It is not something, it is not a territory which we have conquered from enemies, or which we are out to exploit as an empire. So, why this kind of treatment?

Now Sir, the last thing which displays a reactionary spirit is the question of the language. It is provided that the official language, whatever it is, may continue, but the authoritative texts of bills will be in the English language. Why? Sir, we all know that the language is the most important part in the national consciousness of every person. The first attack that a foreigner makes against a nation is on its language. Why should we, by this Bill attack the language of our own country? And, Sir, it is absolutely unreasonable too. We know that the Part C States consist mostly of former Native States. In many of the Native states, administration used to be carried on in the regional language. That language was the official language. As a matter of fact, I would like to be corrected by Pandit C. N. Malviya who spoke some time ago, but I read a report in the newspapers shortly after the general election, that it was very difficult to find legislators in Bhopal with sufficient knowledge of Eng-

lish to conduct proceedings in English. Now, if that is the case, what is the idea in making English the authoritative text? Sir, if it has worked in Hindi all the time, or in any other regional language, why should it not be allowed to continue? As has been said, we are out to depose English. We must depose English in order to enable our national languages to flourish. As long as English continues to hold sway, our regional languages, as well as Hindi, will not make any headway. Now here we are trying to make English flourish again. Many States had adopted Hindi as their official language and are transacting all business in Hindi or in regional languages. For example, I know that the State of Tripura had been carrying on its administration in Bengali. I have seen judgments of the Tripura courts, including of the Tripura High Court which then used to be, in Bengali. Why should a State in such a position be made to go back to English? This is an unreasonable thing. After the legislature has enacted a Bill in Hindi, after it has discussed it in Hindi, after it has understood it in Hindi, what is the authority of an 'authoritative' translation in English? A translation is never the thing itself. When the thing itself is in Hindi, when the original is in Hindi, how can the translation safeguard the expression of the intention which the legislature wanted to express? After all, the best of translators cannot sometimes reproduce the real intention of a Bill. Therefore, it is absolutely unreasonable to insist that the text, the authoritative text, should be in English. And of course, apart from being unreasonable, it is utterly antinational, unpatriotic and deserves the most emphatic condemnation.

Sir, that is all I have to say. I should like to conclude with this remark. The very statement that it is a non-controversial measure reflects a very unusual degree of callousness. When democratic rights are being trampled upon, when our language is being subverted, it is only people who have reconciled themselves completely to the Commonwealth brand of democracy that can regard measures like this as non-controversial. So, I would again request the House to throw out this Bill, and particularly those portions of the Bill which seek to subvert democratic institutions in Part C States, as well as to retard the progress of development of the regional language or of Hindi in those States.

पंडित ठाकुर दास भार्गव : जनाब डिप्टी स्पीकर साहब, इस बिल पर जो बहस हो चुकी है उससे लेंग्वेज के बारे में पूरा कनफ्यूजन सा नज़र आता है । । जिस वक्त कि यह बिल हाउस में पार्ट सी स्टेट्स का पास हुआ तो इस में दफ़ा ३३ रखी गई थी । वह दफ़ा ३३ इस तरह पर है :

"Notwithstanding anything in Part XVII of the Constitution but subject to the provisions of article 348, business in the Legislative Assembly of a State shall be transacted in the official langauge or langauges of the State or in Hindi or in English."

जनाब मुलाहज़ा फ़रमावेंगे कि कांस्टीट्यूशन की दफ़ा ३४५ का इसमें हवाला नहीं है, स्पैसिफिक तरीके से, गो कि पार्ट १७ की तरफ इस दफ़ा ३३ में ज़रूर हवाला है । दफ़ा ३४५ जो इसके ऊपर लागू होती है वह इस तरह से है :

"Subject to the provisions of article 346 and 347 the Legislature of a State may by law adopt any one or more of the langauges in use in the State or Hindi as the language or languages to be used for all or any of the official purposes of that State:

Provided that, until the Legislature of the State otherwise provided by law, the English language shall continue to be used for those official purposes within the State for which it was being used immediately before the commencement of this Constitution."

[पंडित ठाकुर दास भार्गव]

इसके साथ जब जनाबवाला ३४८ दफ़ा का मुलाहज़ा फ़रमावेंगे तो रोशन होगा कि ३४८ का पहला हिस्सा ऐसा है कि जिस को जब तक कि तबदील न किया जाय, और पार्लियामेंट नया कानून न बनावे तब तक न होम मिनिस्टर, न स्टेट गवर्नमेंट, और न कोई और इसमें तबदीली कर सकता है। उस के अल्फ़ाज़ बिल्कुल साफ़ हैं। वह यह है :

"Notwithstanding anything in the foregoing provisions of this Part, (that is section 345 practically) until Parliament by law otherwise provides—

(अगर पार्लियामेंट हुक्म दे दे, यह दूसरा सवाल है)

(a) all procceedings in the Supreme Court and in every High Court,

(b) the authoritative texts—

(i) of all Bills to be introduced or amendments thereto to be moved in either House of Parliament or in the House or either House of the Legislature of a State.

(ii) of all Acts passed by Parliament or the Legislature of a State and of all Ordinances promulgated by the President or the Governor or Rajpramukh of a State, and

(iii) of all orders, rules, regulations and bye-laws issued under this Constitution or under any law made by Parliament or the Legislature of a State,

shall be in the English language."

इसको नरम करने के वास्ते, जहां तक अप्लाई करते हैं वहां पर पार्ट २ है, इसका सब क्लाज २ है :

"Notwithstanding anything in sub-clause (a) of clause (1), the Governor or Rajpramukh of a State may, with the previous consent of the President, authorise the use of the Hindi language, or any other language used for any official purposes of the State, in proceedings in the High Court having its principal seat in that State:

Provided that nothing in this clause shall apply to any judgment, decree or order passed or made by such High Court."

मैं अर्ज करना चाहता हूं कि जहां तक इस कांस्टीट्यूशन का सवाल है, पार्ट सी स्टेट्स में यह ग़ैरमुमकिन है कि हम एथारिटेटिव टेक्स्ट्स को या ऐक्ट्स को या रेलेवेन्ट रेगुलेशन्स को सिवा अंग्रेज़ी लैंग्वेज के दूसरी ज़बान में कर सकें क्योंकि उसके अल्फ़ाज़ इम्पेरेटिव हैं :

shall be deemed to be the authoritative text thereof in the English language under this article.

जहां तक ए और बी स्टेट्स का ताल्लुक है, इसका पार्ट २ गवर्नर और राजप्रमुख को रेफर करता है, इन अग्राज के वास्ते ए और बी स्टेट्स में जो यह रियायतें दी गई हैं, इसके प्राविज़न्स को एक तरह से नरम करने की कोशिश की गई है। जहां तक पार्ट सी स्टेट्स का ताल्लुक़ है, वहां न गवर्नर होते हैं और न राजप्रमुख होते हैं। सेक्शन ३३ए ओरिजनल ऐक्ट में था, उसकी रू से लेजिस्लेटिव असेम्बली की कार्रवाई हिन्दी या रीजनल लैंग्वेज में हो सकती थी, लेकिन जहां तक एथरिटेटिव टेक्स्ट्स का सवाल था जैसा ३४८ के भाग १ में दर्ज है, उसके वास्ते किसी किस्म का हुक्म नहीं था। अब जो नया बिल आया है, उसमें सेक्शन ३३ए में ३४८ (१) रिप्रोड्यूस किया गया है। सेक्शन ३४८ को एक हद तक जहां तक वह पार्ट सी स्टेट्स को एप्लाई करता था उसको लागू करने

की कोशिश की गई है । पार्ट सी स्टेट्स के भाइयों की शिकायत है कि उनके राज्यों में पहले के अपेक्षा अब अंग्रेज़ी अधिक रायज हो गई है, मैं ने यह भी देखा है कि जहां पहले सेशन कोर्ट या दूसरे कोर्ट्स में अंग्रेज़ी में बयानात नहीं लिखे जाते थे, वहां अब अंग्रेज़ी में बयानात लिखे जाते हैं, वहां नये स्टेनो दिये गये हैं और वहां अंग्रेज़ी में रिकार्ड रक्खा जाता है और यह ठीक भी मालूम देता है क्योंकि अभी तक हाईकोर्ट और सुप्रीम कोर्ट में प्रोसीडिंग्स अंग्रेज़ी में होती हैं। मैं ने उस ज़माने में कोर्ट्स में प्रेक्टिस की है जब कांस्टीट्यूशन नहीं बना था और मैं ने देखा है कि कचहरियों में बयानात वगैरह हिन्दी में होते थे और मैं आपको बताना चाहता हूं कि चन्द ही दिन हुये जोधपुर हाईकोर्ट में मैं सारी बहस हिन्दी में ही करके आया हूं, वहां अंग्रेज़ी में सारी बहस नहीं होती, वहां कुल कार्यवाही हिन्दी में ही होती है, वहां सब के सब वकील अंग्रेज़ी जानने वाले भी नहीं हैं । । जहां पहले हिन्दी ही रायज थी और अंगरेज़ी नहीं थी वहां अब अंग्रेज़ी को जारी करना उचित नहीं है और मैं समझता हूं कि वहां के निवासियों की शिकायत जायज जान पड़ती है। अलबत्ता जहां तक टैक्स्ट्स का ताल्लुक़ है, मैं अदब से अर्ज़ करना चाहता हूं कि इस बिल में ३३ए में जो प्राविज़न आया है, सिवाय इसके और कोई दूसरा प्राविज़न नहीं आ सकता जब तक कि दफ़ा ३४८ कांस्टीट्यूशन में मौजूद है और कांस्टीट्यूशन की यह दफ़ा ३४८ सब जगह अप्लाई करती है, देश के अन्दर यह बड़ी नियामत है और मैं समझता हूं कि विधान परिषद् के अन्दर इस धारा को जो बनाया गया वह बिल्कुल ठीक ही किया गया । मैं पूछना चाहता हूं कि जब सुप्रीम कोर्ट जो कि सबसे बड़ी अदालत है जिसका कि काम सारे क़वानीन का इंटरप्रेटेशन करना होता है वहां जब तक सारा काम अंग्रेज़ी में चलता है तब तक यह कैसे मुमकिन हो सकता है कि सेशन कोर्ट्स अथवा और दूसरे कोर्ट्स में अंग्रेज़ी में काम न किया जाय । जब तक हम हर एक चीज़ में अंग्रेज़ी को हिन्दी से बदल न दें तब तक हमें अंग्रेज़ी में अपने काम काज को चलाना होगा । यह मुमकिन है कि कई हिस्सों के अन्दर जहां हिन्दी प्रचलित है वहां तो हिन्दी में सब काम काज ठीक तरह से चलेगा लेकिन सारे देश के वास्ते यह एक दम से मुमकिन नहीं है कि दफ़ा ३४८ को जब तक पार्लियामेंट रिपील न करे, हम उसमें तबदीली नहीं कर सकते और मैं अदब से अर्ज़ करना चाहता हूं कि जब तक यह दफ़ा मौजूद है, यह मांग करना कि बिल्स, ऐक्ट्स या अमेंडमेंट्स हिन्दी में शाया हों दुरुस्त नहीं है । लेकिन साथ ही मैं बड़े अदब से अर्ज़ करना चाहता हूं कि जैसा कि हमारे पूज्य टंडन जी ने भारतीय संविधान की धारा ३५१ का हवाला दे कर कहा गवर्नमेंट का यह फ़र्ज़ है कि हिन्दी लरवेज को बढ़ाय और उसको डेवलप करे और उसको रायज करे । अब चार वर्ष गुज़र गय हैं और थोड़ा ही अर्सा रह गया है, और इस ओर हाउस में जो गवर्नमेंट का ध्यान दिलाया गया है वह सब दुरुस्त है और मैं उस से पूरी तरह सहमत हूं । लेकिन जहां तक इस विधेयक का ताल्लुक़ है मैं नहीं देखता कि इस में क्या तबदीली की जा सकती है । इस बिल का बहुत सारा हिस्सा तो फ़िलवाक़य नान कंट्रोवर्सियल था और जैसा कि हमारे होम मेम्बर साहब ने फ़रमाया क्या इस बिल की मुखालफत करने वाले यह चाहते हैं कि कंसालिडेटेड फंड आफ दी स्टेट न रहे ? और क्या वह इस फंड के मातहत स्टेट को जो लोन और ग्रांट दी जायगी उसकी ज़रूरत को महसूस नहीं करते । कंटिजेंसी फंड जो हमनें स्टेट के लिये रक्खा है, क्या वह उसकी ज़रूरत को महसूस नहीं करते और क्या वह हमने ग़लत रक्खा है ?

[पंडित ठाकुर दास भार्गव]

इस वास्ते मैं अर्ज करूंगा कि ऐसी चीजों के ऊपर नुक्ताचीनी करना नावाजिब था । जिस वक्त पार्ट सी स्टेट्स बनीं थीं, उस वक्त हमने गवर्नमेंट आफ़ इंडिया की खिदमत में अर्ज किया था कि इन छोटे छोटे आइलैंड्स को न बनाइये, यह परपेचुएट हो जायंगे । अजमेर के लोग कितनी दफ़ा सरदार पटेल की खिदमत में हाजिर हुये कि हमारी अलहिदा स्टेट न बनायें, लेकिन गवर्नमेंट ने जबर्दस्ती एक अलहिदा स्टेट बना डाली, छोटी छोटी स्टेट्स बनाई हुई हैं और सिवाय इसके कि खर्चा वहां अधिक बढ़ जाता है, उनसे कोई फ़ायदा नहीं है । मैं उम्मीद करता हूं कि आर्गनाइजेशन आफ़दी स्टट्स के लिय जो नया कमीशन बना है, वह इसकी तरफ़ पूरी तवज्जह देगा और ठीक ठीक यनिट्स बनायेगा ।

इसके अलावा मैं होम मिनिस्टर साहब से बहुत अदब से एक चीज समझना चाहता हूं कि मैं यह नहीं समझा कि सेक्शन २ के अन्दर जो अमेंडमेंट किया जाता है और इन अल्फ़ाज को जोड़ा जाता है : or of any law made in pursuance of that article इसकी क्या जरूरत है मेरी अदब से गुजारिश है कि जब दफ़ा १०२ को मुलाहजा फ़रमायेंगे तो देखेंगे कि वह बजात खुद एक मुकम्मिल दफ़ा है । । उसके अन्दर जो क़वानीन का जिक्र है वह बजात खुद काफ़ी हैं और इन अल्फ़ाज को उसमें जोड़ने की कतई जरूरत नहीं है। जो असल चीज जिसके अन्दर सबको समझते हुये बड़ी दिक्कत हुई वह यह थी जो २५४ के मुताल्लिक़ है । होम मिनिस्टर साहब ने Statement of Objects and Reasons यह रक्खा कि :—

"In addition, representations have been made that the Act does not enable the State Legislative Assemblies to amend laws made for the States by Parliament prior to 1st April, 1952 in regard to subjects included in the 'State List'."

जनाब मुलाहज़ा फ़रमायेंगे कि स्टेट लिस्ट के अन्दर जो क़ानून हैं उनके बारे में उन्होंने महसूस किया कि पहली अप्रैल सन् ५२ के पहले जितने क़ानून बने थे, उनको वह स्टेट तबदील नहीं कर सकती थी, क्योंकि जो पुरानी दफ़ा थी, उसके अन्दर उनको कोई हक़ नहीं था कि जो पार्लियामेंट ने क़ानून बना दिया उस क़ानून की दफ़ा २२ की रू से वह स्टेट्स हाथ नहीं लगा सकती थीं, लेकिन जो दूसरी कौनकरेंट लिस्ट है उनके बारे में स्टेटमेंट आफ़ आब्जक्ट्स एंड रीजन्स में क़तई कोई जिक्र नहीं है, सब स्टेट लिस्ट का जिक्र है । लेकिन अब नया क़ानून बनाया गया है और दफ़ा ४ के अन्दर जो तबदीली की जा रही है वह कौनकरेंट लिस्ट और स्टेट लिस्ट दोनों के बारे में है । मैं समझता हूं कि शिकायत यह थी कि इस क़ानून को इतना वाज़े क्यों नहीं बनाया गया कि वह दोनों को कवर कर ले । हमने पार्ट सी स्टेट्स को कायम करते वक्त इस उसूल को तसलीम किया था कि हम आहिस्ता आहिस्ता पार्ट सी स्टेट्स को भी वह अख्त्यारात दे देंगे जो ए और बी को हासिल थे । पहले पार्ट सी स्टेट्स के बारे में जो बिल आया था वह इतना निकम्मा और संकुचित था कि उसको सेलेक्ट कमेटी में भेजा गया और पार्लियामेंट में उस पर बहस भी हुई और मेम्बरों ने उसको बिल्कुल नाकाफ़ी बतलाया और उसके विरुद्ध शिकायत की और हमारे श्री गोपालस्वामी आयंगर को उस बिल को वापिस ले कर नया बिल पेश करना पड़ा जिसके मुताबिक यह पार्ट सी स्टेट्स बिल बना ।

लेकिन उसके ऊपर जब बहस हुई, पार्ट सी स्टेट्स पर तो हमने ज़ोर दिया कि

हम यह डिस्टिंगशन हिन्दुस्तान में नहीं रखना चाहते । हम ए, बी का डिस्टिंगशन नहीं रखना चाहते, हम ए, बी और सी का डिस्टिंगशन नहीं रखना चाहते । इस रू से जब कोई बिल आता है जिसमें बी या सी स्टेट्स की पावर्स बढ़ती हैं तो हमें बड़ी खुशी होती है ।

आज यह बिल इस किस्म का है जिसमें कि जो कमियां पहले थीं उन में से कई को दूर करने की कोशिश की गई है । लेकिन मैं अब तक जो कुछ नहीं समझा वह यह है कि जो कुछ कांस्टीट्यूशन की दफ़ा २५४ में साफ़ है, उस २५४ के असर को कम करने के वास्ते सेक्शन ४ लगाया गया है जो कि पार्ट सी स्टेट्स ऐक्ट की दफ़ा २२ में लगा हुआ है । २५४ में जनाब मुलाहज़ा फ़रमायेंगे कि पार्लियामेंट अगर कोई क़ानून बना दे तो..

Mr. Deputy-Speaker: Are we not going far in excess of the principles of the Bill?

Pandit Thakur Das Bhargava: The Bill says that any law made by Parliament shall have priority or superiority over any Bill made by the State.

Dr. Katju: In regard to the Concurrent List.

Pandit Thakur Das Bhargava: Of course.

Dr. Katju: We are dealing here with the State List.

Pandit Thakur Das Bhargava: So far as the State List is concerned, we are incompetent to make any law. So far as the other List is concerned, we are competent. So, it can only refer to the Concurrent List. Now, according to article 254 of the Constitution, all the Part A and B States are capable of making any law today against any law which has been made by Parliament either earlier or after the Constitution came into force, and they can make any law which is repugnant to the law made by Parliament, provided that that law is reserved for the consent of the President and the President assents to it.

Article 254 reads:

"(1) If any provision of a law made by the Legislature of a State is repugnant to any provision of a law made by Parliament which Parliament is competent to enact, or to any provision of an existing law with respect to one of the matters enumerated in the Concurrent List, then, subject to the provisions of clause (2), the law made by Parliament, whether passed before or after the law made by the Legislature of such State, or, as the case may be, the existing law, shall prevail and the law made by the Legislature of the State shall, to the extent of the repugnancy, be void."

So it is clear. They have got a similar provision here. Then clause (2) of the article reads:

"(2) Where a law made by the Legislature of a State specified in Part A or Part B of the First Schedule with respect to one of the matters enumerated in the Concurrent List contains any provision repugnant to the provisions of an earlier law made by Parliament or an existing law with respect to that matter, then, the law so made by the Legislature of such State shall, if it has been reserved for the consideration of the President and has received his assent, prevail in that State:

Provided...."

We are not concerned with the proviso.

Now, according to the previous law contained in section 22, the provision contained in clause (2) of article 254 was not available to the C States. The *Explanation* to section 22 reads:

"For the purposes of this section, the expression 'law made by Parliament' shall not include any law which provides for the extension to the State of any law in force in any other part of the territory of India".

[Pandit Thakur Das Bhargava]

They want to add to it the following words:

> "or any law made before the 1st day of April, 1952, in relation to any matter with respect to which the Legislative Assembly of the State has power to make laws".

This means that the Part C States now, if this amendment is carried, will be able to change any law, provided the law was made before 1st April, 1952. If it was made after 1st April, 1952, then that law shall have precedence, and they are incompetent to enact any law, or if they enact, it will be repugnant according to article 254, whereas the Part B States can enact any law which is repugnant to a law made by Parliament provided that the Bill enacting that law is reserved for the consent of the President and the President assents to it. Now, my complaint is this: If these provisions stood alone, the Part C States will be getting more power than the Part B States, but we have to consider section 26 of this Act also. In section 26 you will be pleased to see that so far as the Part C States are concerned, the Chief Commissioner is not competent to give consent. He reserves every Bill for the consent of the President, and as soon as the President gives the consent, the Bill becomes law. So that the provision is already there that every Act must receive the consent of the President. I want to know from the Home Minister why he has inserted these words: "before the 1st day of April, 1952". I can understand the principle that the State Legislature should have the right to enact any law on any subject included in the State List as well as the Concurrent List, but I want to know why this distinction is being perpetrated so far as the Part B and C States are concerned. The Part C States should have the same power as the Part B States. The Part B States can now enact any law whether it was made in 1953 or even later or earlier than 1952, but in regard to Part C States....

Mr. Deputy-Speaker: Are we not going into the fundamentals: why should there be Part C States at all?

Pandit Thakur Das Bhargava: That you have been pleased to rule out as irrelevant when I wanted to go into the question. If we go into it, there should be no Part C States at all.

Mr. Deputy-Speaker: I am only arguing. These observations need not be made in connection with this amending Bill, because this goes into the fundamentals.

Pandit Thakur Das Bhargava: This only relates to the actual amendment in this Bill. I am not going into the fundamentals of Part B or C States. This amendment is sought to be made in this Bill, and the amendment says all kinds of Acts can be enacted which may be repugnant to an Act made by Parliament before April, 1952, but in respect of Acts passed after that date no enactments will be allowed to be made. I want to understand the difference. What is the point in keeping the date? If you want to give the power, let all the States be on the same level. There is absolutely no reason why these words should be kept. I am of opinion that these words should be taken away so that all the States may be on the same level. All the other provisions are, I find, designed to see that the statutes and the laws in all the States may become uniform so far as they go. I quite concur in the complaint made by Mr. Dwivedi that this Bill is not fully comprehensive and there are many other matters in which the hon. Home Minister should have approximated the conditions in the Part C States with those in Part A and B States. Barring that I do not find anything wrong in this Bill except this point which I have not been able to understand, and it is perfectly in order, and there should be no hesitation in enacting it into law.

Several Hon. Members *rose*—

Mr. Deputy-Speaker: What I propose to do is this. For the purpose of consideration, enough has been said. When we come to the Clauses,

I will call Mr. Somana, Mr. Tek Chand and other Members also to speak on the individual Clauses. They may also make any reference they want to the allied Clauses then. Let us get through. I will call upon the hon. Home Minister.

Dr. Katju: At the outset, I should like to say, in all humility, that when I spoke briefly on this Bill in moving it for consideration I was rather thinking of the great pressure of legislative business in this House. We have got a large number of Bills outstanding which have been pending here for a long time and the time at our disposal, apart from that for the Budget and other matters, is short. Therefore, I thought that a short speech on my part might be of some assistance in saving a little time. Otherwise, I might have taken an hour in dealing with the Bill clause by clause.

It is not, as my hon. friend Mr. Trivedi very kindly insinuated, that I am always in the habit of describing controversial measures as non-controversial. When he comes to think over it, he will realise that this is really a non-controversial measure.

Big questions have been raised about the future of the States. If Mr. Trivedi's speech is to be analysed, in the first part he says: "Ajmer is an island, it ought to be sunk into the sea of Rajasthan." Bhopal,—goodness knows where it is to go! Secondly, he turns round and says: "You are taking this away from Ajmer. You are taking that away from Ajmer" and so on and so forth. Similarly my hon. friend Shri Sadhan Gupta raised another question. Now we have got a Commission on reorganisation of States, which will go into all these questions that have been hinted at by my hon. friend Pandit Thakur Das Bhargava and many others. That Commission will go into all these questions.

The object of this Bill is pure and simple. First, I wanted to meet as many points as have been submitted to the States Ministry, by the Chief Ministers of the Part C States, partly from the budgetary point of view, because I wanted to smoothen matters.

Take for instance, clause 7. Shri U. M. Trivedi asked what is the good of this Consolidated Fund of the State. That is exactly what the Chief Ministers of the Part C States have asked for, because their path is not easy. They wanted the Consolidated Fund of the State, so that they might be able to carry on. Under the existing Government of Part C States Act, the Legislative Assembly of a Part C State cannot deal with the capital budget at all. There is no capital budget, because the capital or the loans which are provided by the Central Government are not brought into the Consolidated Fund of the State. The Part C States cannot raise a loan in the public market. The attempt underlying this Bill has all along been—whether it is the Hindi question or the Consolidated Fund question or any other question—to bring all matters dealt with in this Bill, so far as is possible, on the same plane as that of a Part A or B State. It is from that point of view, that we inserted this clause about the Consolidated Fund of the State. There should be a Contingency Fund also, and I have given notice of a short amendment myself that the State Legislature should have a voice in this matter.

So far as this language question, which has excited comment, is concerned, I am very sorry that there has been some misapprehension. There is article 345 of the Constitution which provides for Hindi being the official language of each State. One might have thought that the expression 'State' would include the High Court of the State, the Legislature of the State, and the bills of the State, but I do not know, I was not here, the Constitution-makers made a clear distinction between article 345 and article 348, that is to say, the languages to be used in the bills and in the High Court were something different, and were not covered by article 345. The legal advice that we received was that the entire article 348 as it stands is not applicable to the Part C States, because

[Dr. Katju]

we have the general clause, which is authoritative and imperative, that in every High Court, in the bills and in the Legislatures, the language must be English. That was the first point. Then came the provisos 'Notwithstanding anything in sub-clause (a).....', and 'Notwithstanding anything in sub-clause (b).....'. If we are reading it, it is purely a question of legal interpretation. Our legal advisers thought that it might be argued that inasmuch as the reference was to a Governor or a Rajpramukh, and since there is no Governor or Rajpramukh in a Part C State, it might be said that these provisos which extend to Hindi or the regional language are not applicable to the Part C State. If that argument is right, what are we left with? We are left with the opening clause, the governing clause of article 348 which says that English shall be the language. And the result of that would be—you may say it is a very technical or very legalistic interpretation—that in Bhopal, Ajmer or Vindhya Pradesh, it will not be possible for anybody to introduce a Bill in Hindi or to translate a Bill in Hindi. But I was most anxious to have in the Part C States the same practice which my hon. friend Shri Tandon referred to as prevailing in Uttar Pradesh. I want to have exactly the same practice introduced, so that article 348 may stand, and on the top of it they can have a discussion in Hindi or any other language. So, by this Bill, we are trying to introduce it, so that the whole thing may stand in the plane of a Part A State. The only distinction that I have seen is this. In article 348, the expression used is 'Hindi language, or any other language', but here we have used the expression 'or any other language' only.

The reason why it was used is this. It is a matter of public knowledge that in Ajmer, Vindhya Pradesh and other Part C States in northern India, Hindi is the language. But I have to deal with Coorg also. I cannot possibly introduce—my hon. friend Shri Tandon will not introduce—in Coorg, a bill in the Hindi language, because the people there do not understand it. Therefore we thought that when we say, any other regional language along with English, that would govern the case of Hindi or other regional languages. Otherwise, speaking for myself, I am a lover, not only of Hindi, and I would go a little further than my hon. friend Shri Tandon.....

Shri Algu Rai Shastri (Azamgarh Distt.—East *cum* Ballia Distt.—West): You want Sanskrit.

Dr. Katju:...and say that a Bill might be introduced in the Sanskrit language.....

Shri Algu Rai Shastri: That is the best way to kill Hindi.

Dr. Katju:...and for purposes of interpretation, you may take it from me that the lawyers would find Sanskrit much easier to interpret, because it is a precise language, and all our laws are in the Sanskrit language, whereas with your hybrid Hindi, goodness knows what the words mean.

There is no desire, under this new clause 33A, to go back.....

श्री अलगू राय शास्त्री : उपाध्यक्ष महोदय, मैं एक क्लेरीफिकेशन चाहता हूं। मिनिस्टर साहब ने कहा कि मैं तो संस्कृत चाहता हूं। कांस्टीट्यूशन में हिन्दी की बात कही गयी है। हिन्दी न चाहकर आप की व्यक्तिगत राय संस्कृत चाहने की है। तो क्या मैं इस का अर्थ यह समझूं कि आप हिन्दी के पक्ष में नहीं हैं या कि हिन्दी को एलिमिनेट करनेके लिए आप यह बात कह देते हैं।

Dr. Katju: You did not hear, you are just interrupting.

Shri Algu Rai Shastri: I heard you.

Dr. Katju: All right, what is the clarification you want?

Mr. Deputy-Speaker: Order, order.

Shri Algu Rai Shastri: It is for the Chair to interpret it.

Mr. Deputy-Speaker: The point that has been made is this. The hon. Member wants to know whether the hon. Minister is setting up Sanskrit against Hindi.

Dr. Katju: No, not at all, I am not starting on that campaign. If I have to start that campaign, it will be outside, not here.

I was only trying to refute the charge which has been kindly made against me that this Bill was not a progressive but reactionary measure, and therefore it was trying to strengthen the English language. That is not the object at all. The object is that there should be no manner of doubt that just as you have it in the Part A or B States, in the same way, you can have the bills in the Part C States also in their regional languages.

Shri Algu Rai Shastri: But in any case, not in Hindi.

Dr. Katju: My hon. friend Shri M. L. Dwivedi referred to very many points about the services, about the Judicial Commissioners, etc. But that does not require any legislative enactment or any modification of the Government of Part C States Act. If my hon. friend will do me the honour of discussing this matter with me privately, he will find that on most matters which were raised here, there, there has been a settlement with consent.

Take for instance, the question of the Judicial Commissioners. When I wrote to these States, would you like to go to some other State, they said, no, we would not. When I asked, would you like to go to Rajasthan, the answer was, will the Rajasthan High Court come to Ajmer, and the Rajasthan High Court would not go to Ajmer, and they said, we would not. Therefore, on all these administrative matters, actions have been taken, and the matter has been discussed many times.

So far as my hon. friend Shri U. M. Trivedi is concerned, in his negative attitude, he practically seemed to oppose everything. I really did not know what exactly he meant. He said, for all time to come, you are perpetuating their subservience. That is not true at all. The anxiety is that so long as the Commission on reorganisation of States do not finally decide this matter, they should rise up, and as I have said many times, I should like these Part C States to be well-administered, they should manage their affairs in a proper manner and harmoniously, and that they should be like the Part A or B States.

I do not want to take up the time of the House any more.

Mr. Deputy-Speaker: The question is:

> "That the Bill to amend the Government of Part C States Act, 1951, be taken into consideration."

The motion was adopted.

5 P.M.

Mr. Deputy-Speaker: This matter will stand over for further consideration regarding the clauses.

ISSUE OF ORDINANCES

Mr. Deputy-Speaker: We will now take up the special discussion notice of which has been given by Dr. Krishnaswami and Dr. Lanka Sundaram. There are other Members also who want to participate in the debate.

Dr. Krishnaswami (Kancheepuram): I am grateful to you for having given me the opportunity of inviting the attention of the House to the serious infringement of those rights and privileges that has taken place since Parliament dispersed.

[MR. SPEAKER *in the Chair*]

Parliament went into recess on the 24th December, 1953 and re-assembled on the 15th February, 1954. During this brief interval, seven ordinances have been issued, that is, at the rate of one ordinance per week. No Parliamentarian who has the interest and the reputation of this House at heart can afford to view with equanimity these developments, and it behoves us, irrespective of the party to which we belong, to examine the

[Dr. Krishnaswami]

implications of this dangerous development and to take proper steps to safeguard the threat to the working of a free institution.

I shall take up the Constitution first, because those who rely on the issue of ordinances lean heavily on the Constitution. Article 123, subsection (1) of the Constitution which is frequently quoted, reads as follows:

> "If at any time, except when both Houses of Parliament are in session, the President is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinances as the circumstances appear to him to require."

It is clear that there are three conditions that have to be satisfied. The Power of the President, or rather, the executive to promulgate an ordinance is controlled and conditioned by three factors. Firstly, the legislature must not be in session. Secondly, an emergency must have arisen after Parliament has dispersed: and thirdly, the emergency must be of such a grave and serious nature that the executive cannot afford to wait until Parliament is summoned, or even to summon Parliament. We all know, that the Government have got the right to summon Parliament if they think it necessary, and that can be easily done. But if it is not possible to wait until Parliament meets, then of course an ordinance might be issued.

I should like to take up some of the main ordinances that have been passed during the past seven weeks and examine the general implications of those ordinances, because they would throw light on the working of the executive and its relationship to Parliament. In so doing, I shall try, as far as possible, to adopt a detached view and give the benefit of the doubt where it is necessary.

Let me take up at the outset the amending Bill to the Press (Objectionable Matter) Act. Now, this is a very controversial measure. During the last session, it was pointed out by several hon. Members from different sections of this House that the Bill should be introduced and passed by Parliament and that an ordinance should not be promulgated in order to achieve the object. The reason requiring extension did not spring into existence after the House was prorogued, but was present for a longer period. Obviously, the ordinance-making power is not intended to be employed when the necessity was existing throughout when Parliament was in session. The appointment of the Press Commission did not take place on the eve of prorogation, though that is said to be one of the important reasons for the Press (Objectionable Matter) Act being extended! The Government could certainly have given priority to this measure and we could have had the measure passed without much difficulty and without sacrificing other legislative business. Let us remember, and let the House also recollect, that this is an extension Act and in the case of an extension Act, no amendments are allowed to be moved to discuss the provisions of the main Act. The House is entitled only to say either 'Aye' or 'Nay' to the extension, and therefore, not much time would have been sacrificed. Besides, the Business Advisory Committee was not taken into confidence by the Government spokesmen. Suddenly, without giving us any warning, the ordinance was issued on the 25th January or thereabouts. A calculated affront to the dignity and the privileges of this House has been inflicted by the Home Minister and the Government. I do not think that this omission to bring it up before the House was accidental. It was deliberate, and I can say it is most repugnant to all canons of constitutional propriety. Some people who justify these ordinances point out that they are valid. The argument is not

whether ordinances are valid. Of course, courts of law can pronounce on the validity of ordinances, but working as we do in a Parliamentary institution, the main argument that we have to bear in mind is how far the issue of these ordinances is constitutional and proper. This gains additional validity because, to quote article 123(1), it is an enquiry into the subjective satisfaction of the President, an enquiry into the fact whether there has been an emergency. If the courts are precluded from enquiring into the emergency, I ask, who else is given the authority to "enquire into the emergency"? I feel that this is a matter in which Parliament has the greatest responsibility and it cannot avoid it. It is the responsibility of Parliament to see that Governments keep within the limit of good behaviour or power, and the only person to whom we can turn for redress and who can be expected to discharge that function is you, Mr. Speaker, the custodian of the rights and privileges of the House. We have to visualize the grave consequences that would flow from an exercise of the ordinance-making power in this reckless fashion. If once permitted, the obvious implication is that an ordinance can be repeated at any time. The constitutional rights as to the emergency would be reduced to a fake and a farce. In spirit, we would have violated the Constitution and we would have reduced the Legislature to a nullity.

In the case of the Press (Objectionable Matter) Amendment Bill, the impropriety of this Ordinance will be apparent from an entirely different angle. An ordinance, by its very constitution, is expected to deal with an emergency, something new, something fresh, that has arisen. It could be used to enact a new law, but surely, it cannot be used to extend an expiring law which is what the Press (Objectionable Matter) Act is, and which ought never to have been done by a Government which relies on democratic public opinion. Besides, the Statement of Objects and Reasons discloses no reason at all for the introduction of this Press (Objectionable Matter) Amendment Bill. The argument for extension should be on a consideration of facts and circumstances that necessitate the introduction of the amending Bill.

The Minister of Finance (Shri C. D. Deshmukh): May I rise on a point of order? I wanted to ask whether discussion of this kind would not be more relevant when the Ordinance at issue is actually before the Legislature in the form of a Bill, because then the discussion could be more specific with reference to the contents of the Bill. Otherwise, we shall have to deal with five or six different potential Bills, so to speak. And I was under the impression from the other notice that this was with reference to a matter which it was not proposed to bring before the House in the form of a Bill, because of the fact that it would have expired before the stated period, that is to say, six weeks from the date of convening Parliament.

Dr. Lanka Sundaram (Visakhapatnam) *rose*—

Mr. Speaker: Order, order. Of course, it will be open to hon. Members to criticise the fact of the Government legislating by Ordinance when the Bill comes up. But I admitted the discussion on the ground, as I felt, that it raises an important constitutional issue about the power of Government to issue Ordinances. It will be recognised that that is not a democratic way of doing things, and it is only in exceptional circumstances that Government may issue Ordinances. They can, only if they must. On that point, of course, every Ordinance will rest on its own facts. That is a different thing. Therefore, I thought that a general discussion might be helpful; and this question, as I see it, has to be looked at not from a party point of view but from the general point of view of setting up traditions of Parliament. That was why I thought the question was important and I have allowed the discussion. I do not think I need say

[Mr. Speaker]

anything more at this stage. But the discussion is generally limited to the desirability or the propriety of the exercise of the power of Ordinances. That is the general question at issue, not this or that particular, individual, ordinance. It may be justified; it may not be justified. But I do not see how a reference to a particular ordinance can be avoided if the argument is to be supported by illustrations. That is how I look at the discussion. That is why I think it is relevant even at this stage.

Shri C. D. Deshmukh: What I intended to say was that if this discussion had come at the end of this session, then much of the ground which would be covered specifically, so to speak, that is to say on the merits of a Bill, would already have been covered in the House, and, therefore, that would leave the House with the duty of discussing the general principles, without, so to speak, having to devote time going into the merits of each particular case. Now, here the Government feel somewhat handicapped, because we shall have to go over the whole ground. A principle cannot be established, we feel, without reference to the merits of each individual case, and that is the line on which the hon. Member is developing his point. He is going to take the Ordinances one by one and going to prove, according to him, that this was not necessary or that was not covered by the wording of article 123. That is where I feel that we should have to have recourse to extended discussion with regard to the specific merits of an individual ordinance, which process we shall have to go through at a later stage.

Mr. Speaker: I do not think I need say anything more, but we shall go generally into the question.

Shri Algu Rai Shastri (Azamgarh Distt.—East *cum* Ballia Distt.—West): I have one misgiving.

दफ़ा १२३ भाग १ में जिस तरह के शब्द हैं, उससे यह बात स्पष्ट है कि प्रेसीडेंट को इस बात का सैटिसफैक्शन होना चाहिये, संतोष होना चाहिये कि ऐसी स्थिति है जिस में आर्डिनेंस बनाये जाने चाहिएं। जब आर्डिनेंस बनाये जाने का यह अधिकार उस के सैटिसफैक्शन पर छोड़ा गया है, तब जिस समय दोनों हाउसेज न मीट कर रहे हों, उस में आर्डिनेंस बनाने की ज़रूरत समझी गयी हो, वह आवश्यकता समझना या न समझना केवल प्रेसीडेंट के संतोष के ऊपर रखा गया है, तब उन आर्डिनेंसेज के बारे में जो कि उस बीच में बने हैं, इस प्रकार का आक्षेप करना और उस पर इस प्रकार का विवाद होना कहां तक उचित है, इस की शब्दावलि मेरे लिए स्पष्ट नहीं है। सर्कमस्टानसेज को जज करने का अधिकार हम ने प्रेसीडेंट को विधान में दिया है, तो हमारा फिर उस के ऊपर इतना आक्षेप और एतराज करना कहां तक उचित है, यह मेरी समझ में नहीं आया और उस पर मैं प्रकाश चाहता हूं।

Mr. Speaker: I do not think that I should be drawn into a discussion over the merits of this question. I would not like to be drawn. but I do feel.....

Shri N. C. Chatterjee: (Hooghly): The misgiving is due to a misreading of the Constitution.

Mr. Speaker: I do feel the propriety in raising this question for the simple reason that the President is a constitutional President who acts on the advice of Government. And therefore, it is apparent, unless I am mistaken—I am open to correction—that when it is said that the President is satisfied, it really means the Government are satisfied, and this House is entitled to criticise the Government on that issue.

Pandit Thakur Das Bhargava (Gurgaon): The necessity must be gone into. The question is whether it is necessary. Unless it is necessary, no ordinance can be issued.

Mr. Speaker: That is, again, a question of merits. Therefore, I said in the course of the few remarks which I made that this is really not a party question at all.

This is a question for the entire House to take into consideration, as to whether the executive government should be allowed to exercise the power of ordinance-making in the manner in which they have done according to the Member who is now urging it. It is a question for the entire House to take into consideration, and if they agree and say, "well, it is proper", it is proper. But if they think that it is not proper, they may say so; let them not be guided by party considerations or considerations of prestige. As I remarked, we are the first Parliament under the new Constitution and the greatest responsibility lies on us all concerned to set precedents or traditions, which will be really having a democratic foundation. It is not a question of challenging the powers under the Constitution. That is why I have allowed this question to be discussed.

Dr. Krishnaswami: I do not propose to go into the merits of these measures at all, Sir, but I shall concentrate only on the circumstances which have led to the issue of these ordinances. The argument for the extension of any Bill should be based on a consideration of facts and circumstances that necessitate the introduction of the amending Bill. The only reason that has been given to us—and here I am pointing out a very serious lacuna that has crept into the Statement of Objects and Reasons, because that would show how far even the Bill is out of order, and a Bill which is out of order is sought to be given life by an ordinance—the only reason vouchsafed to us by Government spokesmen is: 'We have appointed a Press Commission. We do not know what it will do. We do not know what it will recommend. Therefore, vote for extension'. With equal appropriateness, it may be suggested: 'We have appointed a Press Commission. We do not know what it will do. Therefore, do not vote for extension'. There is no reason which can affect the legislative competence of this Parliament to say either 'aye' or 'nay'. The Bill has a two-fold object. A Bill without reason, a Bill which makes the legislature vote without knowing why it should do so—such a Bill is patently out of order. Yet, by this Ordinance issued on the 25th of January, this Bill has been given life, a Bill which is plainly out of order. I am mentioning these facts because I am one of those who feel, along with several hon. Members, that this first Parliament, which has been elected on the basis of adult franchise, should set up new conventions so that others might follow our example. It has been a matter of deep grief to many of us, hon. Members drawn from all sections of the House, that on many occasions Ordinances have been issued without any consideration whatsoever for the House. The great hurt that has been caused to the dignity of this House cannot be under-estimated. It is not the agitator who attempts to undermine the authority of the democratic Assembly that is the greatest enemy; it is the very Executive that has got power and which inflicts hurt that is today playing the role, unconsciously, of an enemy.

I should like to deal in conclusion with the two fiscal Ordinances because those also raise serious questions of principle. In this connection, my task is lessened by the fact of my friend from Visakhapatnam considering them at length. I shall content myself with a very brief analysis of the implications of these two Ordinances. No impost partaking of the nature of a tax can be levied without the consent of Parliament. In this instance, Parliamentary consent was not obtained at all.

Dr. Lanka Sundaram: Hear, hear.

Dr. Krishnaswami: The reason given is that Parliament was not sitting on the 12th of January. What was the emergency that led to the

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promulgation of these two fiscal Ordinances? Did the Government suddenly make the discovery some time during the cold month of January that Kumbh was to take place on the 3rd February and that pilgrims would congregate and hence be a fruitful source of revenue to them? Was this discovery so sudden, so emergent that it could not have been made when we were in session in November? Certainly, a more serious matter which faces Parliament is this. By the time we have met the Kumbh is over. The Government have no need to bring even a ratifying Bill. The test of emergency, Mr. Speaker, in the case of fiscal Ordinances should be much greater than in the case of other Ordinances. After all, in the case of fiscal measures, it is the Parliament and the House of the People that is the sovereign authority to vote and raise a tax and to direct how the money shall be spent. Therefore, in any case in which such emergency arises, the test should be stricter.

Having brought before the House some of the general aspects of these Ordinances, I should like to bring to your notice, Mr. Speaker, a similar statute in the United Kingdom. In 1920, the Emergency Powers Act was passed in Parliament after a heated and acrimonious discussion. Mr. Asquith was then the leader of the Liberal Party and he took grave exception to the Executive declaring an emergency and passing Ordinances There were some lively interchanges and, as a result of these interchanges, Parliament came to the conclusion that this ordinance-making power should be curtailed within definite limits. They confined it to certain specific subjects and they said that this ordinance-making power should not be exercised freely. An assurance was given and that assurance was kept up. Even with their far-flung responsibility or irresponsibility as the case may be, they did not content themselves with merely issuing Ordinances. I should think this is an example which we might emulate.

There is after all a constituency outside this House which is listening to, following and watching our deliberations. People outside know that Parliament means business; that it is respected both by the Ministry and by other Members of this House. I feel that during recent times the very great flow of Ordinances has positively helped to diminish the respect which is entertained for Parliament.

I should like to make one or two constructive suggestions to get over this difficulty. No one for a moment questions the constitutional validity of these Ordinances being issued. But, what is in question is the constitutional propriety of these Ordinances. The time has arrived when we should have a Committee of the whole House with you, Mr. Speaker, as chairman to go into these matters so that all these Ordinances might be submitted to that Committee for review. Then it might be open to the Committee to offer advice. Of course, it is the responsibility of the Executive either to accept or reject the advice. But at least the Executive would have applied its mind to what the state of emergency is, instead of reducing the concept of emergency to a fake and a farce. I think if we could have this, many of the disadvantages that we are suffering from from the hasty promulgation of Ordinances would be considerably mitigated. After all, when we suggest that it should be a Committee of the House, we are envisaging not a Committee representing a party but representing all sections of the House. We all feel that we have a stake in the reputation and dignity of the House and, since this is a matter which cannot be enquired into by courts of law, Parliament has the greatest responsibility to know what the emergency conditions are and why these Ordinances should be issued. By so doing, not only will the Executive be

strengthened but also the reputation and dignity and respect for Parliament would be heightened.

Dr. Lanka Sundaram: Sir, I am sure the House is grateful to you for the remarks you have made in reply to the point of order raised by my hon. friend the Finance Minister. I wish that the Government, for the time being, would consider this question sought to be raised by my hon. friend, Dr. Krishnaswami and myself, in a non-partisan, non-legalistic spirit in order that this House could lay down enduring conventions for all time.

The House would recall that on the 16th November last, I raised this issue from this place with reference to the six Ordinances which were promulgated during the inter-session period before that date. At that time, I had occasion to quote one of the rulings of the hon. Deputy-Speaker, of the 16th September. With your permission, I will re-quote it, only to direct the attention of the House to the point that the Government is not willing to abide by the rulings given by the Chair with respect to Ordinances. At that time the question was that the House should go through the Coir Bill and the Rehabilitation Finance Adiministration Bill. This was what the hon. Deputy-Speaker said in his ruling on the 16th September:

> "In these circumstances, I am exceedingly sorry. The Government must make up their mind from time to time as to which Bills they want to get through in this session. The Coir Bill is, no doubt, part-heard. If they had told me a few days earlier, I would have persuaded the House to sit for longer hours and finish it. In these circumstances, I am exceedingly sorry. I feel that the general sense of the House is that these Bills need not be taken up now. The hon. Ministers have also left it to the House."

And, finally he said:

> "There does not seem to be any urgency."

After this ruling of the hon. Deputy-Speaker, and some days after the House adjourned, a body of six Ordinances including the Rehabilitation Finance Ordinance were issued during the inter-session period.

I make a reference to this for the one reason that to my mind there is no legislative planning on the part of the people who advise Government as to the type of legislation which might become necessary to be put through when the Houses of Parliament are not in session. That is the case I argued on the last occasion and I am summarising the points. There were 54 Bills to be disposed of during the 29 working days and it so happened on the previous occasion that three of the Bills which were pending before Parliament were passed into Ordinances. That is the history. I have made attempts to recapture all this in order to focus one point, the point being that in reply to the debate I raised on the last occasion on the 16th November, my hon. friend Shri T. T. Krishnamachari said as follows—and I think the House is entitled to have this quotation. These ordinances, he said, are necessary for the purpose of carrying out the work of Government, because the policy underlying most of them—at any rate, three of them—has been made known to this Parliament and to the public. In the case of three others, it is slightly different.

The point that I am raising is this. Nobody in this House is anxious to obstruct the work of Government. What is required is adequate planning and respect for constitutional propriety and the rights and privileges of the House. My hon. friend, Dr. Krishnaswami in his very eloquent way has tried to fix the general bearings of the discussion dealing with as many as seven ordinances of varying importance and also nature. With your permission I would like to devote myself specifically to the two Kumbh Mela Ordinances, namely, Ordinance No. 1 of 1954 and No. 2 of 1954. In this connection, I would like to make this general proposition. The rights

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of taxation, supply, appropriation and authorisation of expenditure are all matters entirely germane to the competence of this hon. House. Even the other House does not come into the picture. In England there has been a considerable anxiety expressed as to the manner in which taxing laws have been promulgated without Parliamentary sanction. Here is what C. K. Allen in his very important book *Law and Orders* has said:

> "The Donoughmore Committee called special attention to six Acts which were the product of national financial crisis of 1931 and which in large measure delegated to the executive the power of taxation. These are to be regarded as essentially emergency legislation and apart from any constitutional questions, they were justified on political grounds by the 'doctor's mandate' which the electorate had expressly given the Government."

These included Acts like the Gold Standard (Amendment) Act, the National Economy Act and the Import Duties Act. These statutes had a prototype in the Safeguarding of Industries Act, 1921. Under section 2 of the Safeguarding of Industries Act, for example, orders were required to be approved in draft by the House if the House were sitting and at other times to remain in force only for one month unless renewed by resolution. In the case of the Kumbh Ordinances, nothing like this can ever happen—the time has expired, practically. In normal circumstances the attitude of the House of Commons would appear to be that any delegated legislation which imposed a charge on the public would, if permitted at all, demand the strictest scrutiny and control. I regret to say that the 'Power of the Purse' has been infringed by these two ordinances. I have tried to check up on this point the practice in France and the United States of America, but I would be very brief. In France also there was delegation of power, but it is a very extraordinary fact, but very interesting for our purpose, that the ordinary law courts have taken a stricter view and have refused the application of many decrees which infringed the provisions of existing laws. For example, there was a decree which raised the extraction rate of wheat to 85 per cent. from 80 per cent., and it was declared illegal on the ground that a decree cannot suspend a law even if it is made solely in execution of laws. In the United States of America, according to the language of the U.S. Constitution, "The Congress shall have power to levy and collect taxes, duties, imposts and excises to pay the debts and provide for the common defence and general welfare of the United States." But there is no ordinance-making power in the United States.

It so happens that we in this country under article 123 (1) have been subject to not only general ordinance promulgation but also, in the case of the Kumbh Mela Ordinances, to a tax ordinance. Last time in November when this debate was raised by me, the Press and the public in general reacted very vehemently. Some people characterised it as a fraud on the Constitution and a constitutional abuse of power. Some others said that it was scant respect to the House and an affront to Parliament and that it was 'the new tyranny of the executive' under their rule-making power. I would like to say here that these two taxing ordinances are very important. *The Statesman* of the day before yesterday said that the U.P. Government spent Rs. 41·25 lakhs on the Kumbh Mela arrangements and the Railways spent Rs. 75 lakhs on this national festival. According to the Schedule in Ordinance No. 1, a differential scale was made and collected. It was one rupee eight annas on air-conditioned or First Class, one rupee on Second Class, eight to ten annas on Inter Class and six to eight annas on Third Class. The Prime Minister said yesterday

that there were four million people in the Kumbh Mela. I am only trying to show the enormity of the financial implications of these two taxing ordinances and my rough estimate is—I do not think I will be wrong, but if I am wrong I would stand corrected by the hon. Finance Minister—that not less than Rs. 20—25 lakhs were collected through these two ordinances. That is only by way of illustration. As my hon. friend Dr. Krishnaswami put it a little while ago, when did the circumstances requiring the invocation of article 123 (1) of the Constitution arise in respect of the Kumbh Mela for the Government to advise the President to issue the ordinances? Everybody knows that the publicity and propaganda inviting pilgrims to the Mela and also suggesting measures for looking after the comfort of pilgrims have been going on for months together, and that eleven days after the House adjourned, the first ordinance followed, and eight days after it, Ordinance No. 2, that is the amending ordinance, was promulgated, which again shows lack of legislative planning, lack of proper advice on the part of the people behind Government to look after these arrangements. I would like straightaway to say that I am not disputing the legislative competence of Government to advise the President to issue ordinances, but the question of propriety is very important. Here I would like to make a reference to what happened in 1950, which is within your own personal observation. On the 23rd January 1950, Ordinance No. IX of 1950 was issued, that is just three days before the commencement of the Constitution—that sacred document which lays down the rights and functions of this House and the rights and liberties of the people. It only shows—and I would like to be taken seriously—that Government have no respect for the Constitution. They could have avoided this. They could have pre-planned. I would put it to my hon. friend the Finance Minister that he could have brought it in the Supplementary Demands last September. In actual fact, he could have even brought it in the Railway Budget or the General Budget in the last session. Kumbh Mela comes once in twelve years but here are these two ordinances, one eleven days after the House adjourned and the other eight days after the first one—an amending one.

Having said this much, I would briefly quote what Dr. Kunzru said while speaking in the Provisional Parliament on the 27th February, 1952 with reference to article 265 of the Constitution, and I would beg of my hon. friend the Finance Minister to bring in an amending bill if he thinks fit to set matters at rest:

> "All that article 265 requires is that no tax should be imposed except by authority by law. But as an ordinance has the same effect as an Act of Parliament, even taxation can be imposed under the Constitution by an ordinance. My second suggestion, therefore is that the Constitution should be so altered as to substitute the word 'Parliament' for the word 'Law' in article 265."

Article 265 to my mind recalls the noble language of the *Magna Carta*, and reads—

> "No tax shall be levied or collected except by authority of law".

This is not a tax proper; it is a terminal tax collected on tickets for every single journey to Kumbh Mela. Here the ordinances were sought to be made an instrument to prevent Parliament from taking cognizance of these issues, the issue being the collection of money necessary for making arrangements for these four million pilgrims. It is a Central responsibility, but I would not labour that point now.

The final point is that it is a subterfuge to issue these two ordinances, since this House cannot dispose of these two ordinances through Bills, and I do not know whether there is any intention on the part of the Government to bring forward a Bill to replace them. It would be utterly infructuous, because the time has expired now. It is infructuous, because

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the time has expired, with the result that the Executive goes on merrily—goes on merrily in a fashion which is an invasion on the rights of this House. I am not given, Sir, to make academic issues, because, as I said earlier, I had the privilege of raising this issue in the last session itself. Last time it was six ordinances: this time it is seven: God alone knows, Mr. Speaker, as time marches on, and if you would permit me to say so, the enlargement of the powers of the Executive takes new shapes, there may be a new tyranny unleashed upon the country and upon this House.

You, Sir, have done,—and we have the greatest admiration for you—the greatest service to this country by saying what you have said a few minutes ago in passing your remarks on the point of order raised by my hon. friend the Finance Minister.

Shri H. N. Mukerjee (Calcutta North-East): Sir, a little while ago, as I came to participate in this discussion, I noticed the somewhat deceptively cherubic presence of the Finance Minister and I had a feeling that perhaps Government would not take up a bellicose attitude in this matter. But that feeling vanished soon enough, and I find that on Government side, as far as I can make out, up to now there is not even a suggestion of a tinge of regret that this ordinance-making power of the President is being resorted to in the fashion that has been already explained by the two hon. Members who have spoken before me.

Now, Sir, what we object to is that an article in the Constitution, which if used at all should be used sparingly, has been used over-generously and in a manner which certainly suggests that in the eyes of Government, Parliament is not worthy of the kind of regard which it is entitled to. As we all know, since the famous case of Proclamations in 1610 the head of the Executive in England has not had the power to legislate by proclamation. Nowhere in the Dominions, not even in Ireland, you will find a provision comparable to article 123. Now, I cannot go into the genesis of this article in our Constitution, and that is not my intention at all. But I wish to draw the attention of the House, Sir, to what happened in the Constituent Assembly when this article was put into the Constitution. I find that Dr. Ambedkar who was piloting this provision said that the ordinance-making power during the recess of Parliament was similar to the power of the Crown to make a proclamation of emergency under the Emergency Powers Act, 1920, in England, and then to make regulations. But, Sir, I do not see how it could be said to be so. Such powers in England are entirely statutory and the regulations are to be made subject to the limitations and conditions imposed by the statute of 1920 and they are liable to be set aside by the courts, if they are *ultra vires*. Article 123 does not lay down in what conditions and for what purposes the ordinance-making power is to be used, and our courts have no power to question the justification either as to the occasion or the purpose, or the subject-matter of an ordinance, even if the ordinance is not made in good faith. I do not suggest that any of these ordinances were made without good faith. But I refer to this matter because questions have arisen regarding the lack of good faith on the part of Authority in promulgating the ordinance.

I remember, Sir, in 1948 when my hon. friend Mr. Chatterjee was a Judge of the Calcutta High Court and I happened to be in detention without trial, a case came up before the Calcutta High Court (Jnan Prasanna and others *v.* the Province of West Bengal). In that case the Governor of West Bengal—possibly Dr. Katju was then the Governor of West Bengal—exercised his ordinance-making power in order to prevent the Calcutta High Court from pronouncing a decision which was unwelcome to the Provincial Government. This ordinance was nevertheless held by Chatterjee J. and other Judges to be valid on the ground

that the court was not competent to enquire into the circumstances justifying the promulgation of the ordinance, even though the Full Bench disapproved in very strong terms such an executive policy to prevent judicial decisions by ordinance. This happened in 1948.

Now this is the kind of thing which is likely to happen.

The Minister of Home Affairs and States (Dr. Katju): What was the decision actually of the High Court? I think they approved of it—they upheld the ordinance.

Shri H. N. Mukerjee: The High Court upheld what the Government had done, in spite of the High Court's definite decision that the Government had done it without good faith.

As I said, this is a relic of the Government of India Act of 1935, which the sooner we shed the better. And, if we cannot shed it, because it is there in the Constitution, let us be very chary about using it.

And what are the reasons for having used this ordinance-making power in the past? I shall refer, by way of illustration, to the Press (Objectionable Matter) Act. And in this connection I shall quote,—not a foam-at-the-mouth Communist, as Dr. Katju would like to characterise me, but I would like to quote the *Eastern Economist*, dated the 5th February, 1954. It says:

> "There is no excuse for the Home Ministry's failure to get the Bill introduced in Parliament in sufficient time to have it enacted well before the date of the expiry of the Act. The circumstances in which the Press Act was passed in 1951" (when perhaps you were in the Chair), "should particularly have enjoined greater caution in this matter. The Act was then carried though in the face of severe opposition," (and in those days we were nowhere in the picture), "and ultimately it was the clause which limited its life to two years that reconciled many of its critics to agree to the measure. A routine extension of that life through an Ordinance is, therefore, doubly objectionable."

This kind of thing goes on. In regard to the taxation ordinance, things have happened which, as Dr. Krishnaswami and Dr. Lanka Sundaram have ably pointed out, have impinged, as far as we can see on the right of Parliament to control the exercise of taxation powers by the Executive. We do not have the inner light which the Government appears to have. Being ordinary mortals all that we can see is that the manner in which Government has exercised its ordinance-making power is extremely dangerous and it is against that danger that the country wants us to warn Government. I know Government will not heed warnings, especially when they come from this side. But in the light of the advice which has been given to them so sedately by the two hon. Members who have spoken before me, Government should come forward and say that they would try to see to it that the legislative programme is arranged with greater circumspection with a view to a real discussion in this House and also with a view to expediting the passage of those items of legislation about which Government is really in earnest.

I am sorry, Sir, I do not see my hon. friend the hon. Minister of Parliamentary Affairs in his seat. But I do not see the point in this set-up, of the Ministry of Parliamentary Affairs if it cannot arrange the legislative programme in such a fashion that Bills of this kind are not pushed over and the necessity of having to take recourse to ordinance is not imposed upon the Government. The manner in which ordinances are issued is symptomatic of great danger to the liberties of this country and I warn Government that this kind of thing cannot go unnoticed by the House.

I have been told by an old Member of this House that on one occasion Government promulgated an ordinance

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in order to regularise payment of pension to a gentleman who acted as the Governor-General of this country for some time. There was no emergency about it: there was no urgency about it even, and yet Government went out of its way to issue an ordinance so that that worthy gentleman may collect his emoluments a little earlier than if the matter had come before Parliament.

I challenge Government to produce a list of ordinances which it has issued since independence and then to justify what it has done. I am sure it cannot. That is why I repeat my warning to Government that this kind of anti-freedom device is not going to be tolerated by public opinion which we try in our own way to represent.

Shri N. C. Chatterjee: Sir, I think you have administered a very timely admonition and we should approach this problem not in a partisan spirit. Sir, our infant democracy demands that we should build up healthy conventions and one of the healthy conventions which ought to be built up for our infant parliamentary democracy is that executive legislation should be weeded out as far as possible. This kind of despotism is repugnant to the basic principles of representative Government. Every democrat should hate it. There is a tendency always among hon. Ministers and bureaucrats to expand and exercise this power whenever it suits them. It is repugnant to my sense of understanding of parliamentary democracy that they are going to impose taxation by ordinances. That is really most reprehensible; they could easily avoid that.

The fundamental principle of our Republican Constitution is 'no taxation without representation'. We are the Parliament of India; we are the House of the People; we have been assigned the sole function, the sole privilege, and also the sole responsibility to be the guardians of the public revenues. No tax can be levied except with our consent. Government by a circuitous method, indirect method, by a contrivance is trying to get rid of the salutary principles. It may be a compliance with the formalities of the Constitution because Article 123 gives you the power but it would be desirable to keep it within limits, to control it. Especially the imposition of taxation by Ordinance, as you are doing, is to bring the House into disrepute.

I should not say anything about the judgement which my learned friend quoted but that is the view Sir Trevor Harries C. J. took, deliberately took in that case—a judge of great experience. Nothing should be done which should bring one organ of Government into disrepute; and that is what you are doing. Executive legislation is bad enough; taxation by executive legislation is much worse and much more repugnant to the basic principles of democratic Government.

Sir, if we remember the history of England, you know that the great struggle for self-government meant curtailment of the powers of taxation by the executive. But we think of taxing people by Ordinances. One king lost his head and also lost his throne because he wanted to levy a tax by means of ordinances—ship money. The great and glorious days of struggle for human liberty were in the days of Stuart despotism and also Tudor tyranny because Parliament was then fighting that there should be no imposition of any taxes by the Crown. It is no good saying 'it is Kumbh Mela tax'; therefore, it may not be technically 'tax'. Our Constitution has also given a definition of taxation. Article 366 clause (28) says:

> "'taxation' includes the imposition of any tax or impost, whether general or local or special, and 'tax' shall be construed accordingly;"

Therefore, any tax which levies any imposition, whether general or special or local comes within the cate-

gory and concept of taxation according to our Constitution. Certainly, it is taxation. Could it not be avoided? Could not the Executive avoid this kind of taxation? Could it not come before the House and get it through? It could easily do it.

Sir, you remember you presided over not one meeting but meeting after meeting of the Business Advisory Committee. We appealed to the Minister of Parliamentary Affairs—we were trying to help him. We wanted to know "what Bills you want to be passed in this House". He arranged the priority and according to that order of priority we fixed a time limit and schedule. Never, Sir, was it demanded that the Press (Objectionable Matter) Bill should be given top priority or any priority whatever. Therefore, there is some force in the contention of the previous speaker that it was not a genuine emergency. It is a manufactured emergency; it is an emergency which has been created and that is the greatest menace to freedom; the greatest menace to parliamentary government. That is the greatest impediment on your sovereign power, your undisputed sovereign right in the matter of taxation, in the matter of public exchequer, in the matter of controlling taxation, in the matter of levy of any kind of impost. It may be whittled down and affected by this kind of dubious methods. Surely this can be avoided. What I am pleading for is a constructive approach. They should definitely stand up and express their regrets for what they have done. And that is the only thing which would put the Executive in its proper place and the Parliament in the proper place.

Every time when the Parliament is prorogued they come out with a bunch of ordinances, some to renew the expiring laws and some at the same time levying taxation. This is bringing the House into disrepute; that is not treating the Parliament with the respect it deserves; that is not paying proper attention to the basic principles of our Constitution; this is really whittling down the cardinal principles on which any democratic government can be run. Therefore, it is no good saying that I have got the power. I say, do not exercise the power.

In England, Sir, Parliament is supreme; Parliament is sovereign; Parliament can delegate—Parliament sometimes delegated—but every time they used to say 'Try to avoid any kind of taxation'. In the latest debate, in a volume of *Hansard* a great parliamentarian stood up and said:

> "The third dialectical argument used by the Leader of the House was this. He said, 'Supposing Parliament was not sitting'. It suits the right hon. Gentleman and his friends not to have Parliament sitting. The longer they can have Parliament in recess the better they are pleased. What nonsense to say Parliament cannot be called quite easily in emergencies of that kind."

I do not want to use strong language like that which was used in the British House of Commons. But, the Parliament was sitting. You knew of Kumbh Mela; everybody in this country knew. The calendar everybody knew. Great preparations were being made and you could easily have come with a Bill of this character. I am suggesting, Sir, that efforts should be made that Parliament, as the supreme forum and the supreme representative of popular will, especially in the domain of taxation, should see that its powers are not frittered away; that there are no inroads; that there is no invasion; that nothing is done to affect them in any way.

Sir, you are looked upon, as the Speaker of this Parliament, Speaker of this House, as the repository of the dignity and privileges of this House and we are obliged to you for the way you have suggested reform. That should give very valuable guidance to the Executive. If the Executive cannot even chalk out the legislative programme so as to eliminate the possibility of taxation by ordinances, they are not fit to be there; they should get out of this place; they do not deserve

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to stay where they are. They could easily manage to do it and I am appealing that they should remember that if they continue to do this thing—repetition of ordinances for taxation—there will be a temptation to have a longer recess and have a longer list of ordinances and that will suit the Executive better. I am suggesting that there is some force in the observations made by Dr. Krishnaswami. There should be some Committee—call it a Committee of the whole House or a smaller Committee representative of this House—which should tackle these ordinances and see how far they are in consonance with the basic principles of our Constitution and suitable conventions ought to be built up to make Parliamentary democracy safe.

6 P.M.

Dr. Lanka Sundaram: May I interrupt the hon. Member for a minute? When the PEPSU Acts were first promulgated by ordinance, a committee of this House was consulted. The procedure is already there. Only, it has to be regularised and enforced.

Shri N. C. Chatterjee: I am obliged to my hon. friend for reminding me of it, but I submit that the time has come when there should be that committee or some other committee to scrutinise ordinances and report to the House as to whether there has been any flagrant breach and if so, what should be done, so that this new despotism may not develop into a periodical tyranny.

Shri V. B. Gandhi (Bombay City—North): I join wholeheartedly the speakers who preceded me in expressing the gratitude of this House to you, Sir, for making it possible to hold this debate on a very important issue, *viz.* legislation by ordinances. As you so rightly pointed out, the issue is one that deserves to be treated in a strictly non-partisan way.

I might begin by saying that none of us likes this habit of the Government relying increasingly on legislation by ordinances. But...

Shri Algu Rai Shastri: But there is a "but"!

Shri V. B. Gandhi: But we would also like to see if it would be fair to lay all the blame at the door of the Government. We want this question to be considered more seriously than, I am sorry to say, has been attempted by those who spoke before me. I would like this House to consider this question in a less theoretical manner. It is an intensely practical problem, and I would like that this House should avoid making this discussion surcharged with emotion.

What are the facts? Is this House really so helpless in the matter of making it difficult for Government to resort to legislation by ordinances? I hardly think so if we only reflect for a moment and try to be honest to ourselves. The second session of Parliament ended with arrears of as many as 26 Bills which were pending at various stages of consideration. The last session, *viz.*, the fifth Session, closed with arrears of 19 Bills pending at various stages of consideration. Here is then the problem: there is a certain volume of business which in the interests of the country must be got through this House and there is only a certain amount of time which this House is prepared to devote to the disposal of that business. Then there is also a certain speed at which this House is pleased to proceed in dealing with that business. Now, these two quantities must be made equal. How can that be done? I am sure none in this House would wish that the volume of business should be reduced. Certainly, that would not be serving the interests of the people whom we are here to represent. Then what are we supposed to do? We must either increase the time that we are prepared to give for the disposal of this business; we can also consider increasing the rate of speed with which we dispose of this business. These are the two problems which very honestly, with a mind introspectively inclined, we ought to consider. I therefore think that, in a general way of saying, we ought to admit that what is happen-

ing in this Parliament at the present time is more of a misfortune than a fault to be laid at anybody's doors.

I will now come to the other part of today's discussion, more specifically the two Ordinances dealing with the Uttar Pradesh Terminal Tax. I had expected that speakers on the other side would perhaps question the power of the President to issue ordinances levying taxation. But I am very glad to see that that power is conceded. It is conceded by all the speakers, I hope, including Dr. Lanka Sundaram, that article 123 gives that power to the President. Dr. Lanka Sundaram referred to article 265 and said something about some observation made by Pandit Hirday Nath Kunzru. I am a layman and I am going to venture a layman's observation on this point. Article 265 says that "No tax shall be levied or collected except by authority of law". And as I understood Dr. Lanka Sundaram to tell us, Pandit Hirday Nath Kunzru would like the words "by authority of law" substituted by the words "by authority of Parliament". Well, I am sure I am one of those who would welcome such a more definite definition of the authority of Parliament. But I do not see how that is going to prevent any future President from promulgating an ordinance imposing a tax of the kind that is done here in the present Uttar Pradesh Terminal Tax Ordinance; because the ordinance promulgated by the President, under article 123(2), is going to have the same force and effect as an Act of Parliament. Therefore, any taxation which only an Act of Parliament can levy is a taxation which can also be levied by the President's Ordinance. And this position is made further clear by clause (3) of article 123 which says "If and so far as an Ordinance under this article makes any provision which Parliament would not under this Constitution be competent to enact, it shall be void". So that, anything that Parliament is competent to enact will be a proper subject for the promulgation of President's Ordinance.

Now, Sir, let us consider this Uttar Pradesh Terminal Tax Ordinance individually and on its merit.

Mr. Speaker: He has already taken more than ten minutes.

Shri V. B. Gandhi: May I take just four minutes?

Mr. Speaker: Just a couple of minutes. There are other speakers who have given me notices.

Shri V. B. Gandhi: Sir, the levy of a terminal tax is within the Union List, in item 89. Now, the situation here is this, that, if we want to be charitable and even ordinarily—I am sorry, not charitable—if we want to be even ordinarily fair to the Government, we must understand that the situation in respect of the Kumbh Mela was developing very fast. Only a few days ago things were in a state of flux. Here is a report in the *Hindustan Times* dated 7th January 1954, which says, "Pandit Pant indicated (at a meeting somewhere in Allahabad) that the State Government might impose a 'toll' to meet partially the heavy expenditure incurred on the Mela arrangements". This 'toll' is an imposition which only a State can levy, and as I said, a terminal tax is something which is beyond the purview of the State taxation powers and has to be levied only by the Union Government. Further, Pandit Pant says, "the expenditure might amount to Rs. 50 lakhs. All the money had to come from the poor. If by introducing a tax they could collect some money, that would lighten the burden on the poor." So, here was a very deserving case in which the Union Government had to do something to help the U. P. Government. After all Prayag is a possession of the Nation.

Dr. Lanka Sundaram: Who denies that?

Mr. Speaker: Let the hon. Member continue.

Shri V. B. Gandhi After all Prayag is a possession of the whole Nation and not just the possession of one State like Uttar Pradesh. Nearly a third of the 50 lakhs of pilgrims who visited Pra-

[Shri V. B. Gandhi]

yag in Kumbh Mela came there by railway and as such, a very good and dependable source of assistance to the U. P. Government should not have been neglected. What should have been done? We can expect a Government to anticipate the need of such a levy well in advance. But, supposing they fail to do that; then what? Then, better late than never. In a case like this, I am sure, we would have blamed the Government much more if they had failed to use this power and not levied the tax.

Now, finally it is said that this kind of a habit of promulgation of ordinances for levying taxes might lead to disastrous consequences in future. What are the merits of this particular levy? Here is a levy which we can describe as a "just once and over". This levy is not to continue and if it were to continue, then it would certainly have come before the House for its consideration.

Mr. Speaker: Dr. Jaisoorya. The Member must finish in ten minutes.

Dr. Jaisoorya (Medak): I will finish in 9 minutes and 55 seconds.

Mr. Speaker: I might invite the attention of hon. Members that there is a rule under which this discussion is permitted. Those who wish to participate have to intimate their names before hand. Dr. Jaisoorya, is the last Member. No other Member has intimated his name. So, I shall, immediately after Dr. Jaisoorya call upon the Government to reply.

Pandit Thakur Das Bhargava: In regard to these discussions, the rule has been that even if the names were given at the time when the discussion was going on, Members have been allowed to speak. There is ample time yet.

Mr. Speaker: Even those names have not yet been given, unless the standing up of Members can be said to be giving of names.

Pandit Thakur Das Bhargava: Standing here for being called is virtually tantamount to an application in writing.

Mr. Speaker: What I am anxious is not so much about the rules as about giving sufficient time to the Government to state their case. I think it could be done in half an hour? That is my estimate unless the Finance Minister requires more time.

Shri C. D. Deshmukh: Ample.

Mr. Speaker: I will call upon the hon. Finance Minister to reply at 6.30.

Dr. Jaisoorya: Essentially, there are certain vital principles at stake. This is what we have to decide today in this House. Right or wrong, however effective this body may be this Parliament embodies the will of the people. That is how the people look upon it, however defective it may be. Government is only the instrument to carry out the will of the people. Government has to be given certain powers for day to day work and in an absolute emergency it is given wider powers. It is no use splitting hairs as to the extent of the powers. What actually the people want to know is, is the Parliament the guide of the Government or has it deteriorated to be the handmaid of the executive? Essentially, what the fate of the people's will is going to be, will be decided today and therefore your ruling is of vital importance. History will be made, because, it will be a guide to the Assemblies and other bodies in the country.

Dr. Lanka Sundaram: And the State Governments.

Dr. Jaisoorya: No doubt, there are emergencies. Suddenly a thing arises. The President, under the advice of his Government and Executive, has got the power, and he should have the power. Nobody denies that. But we have no right to burden the President with responsibilities which are essentially the responsibilities of the executive. The function of Parliament is to curb what is naturally inherent in every executive, that is the tendency to excessive and arbitrary use of power. It is the function of this Parliament to watch very zealously when to

curb the excessive and arbitrary use of power. Therefore, the country looks to the Parliament and to the Supreme Court as the guardians and protectors against arbitrary and excessive use of power. That is how the people look at it and you are deciding historically the fate of the people's impression of Parliament, as to what powers Parliament has or has not.

If it was one Ordinance or two Ordinances, we can say: yes, an emergency arose. But, when Parliament is in recess and six or seven Ordinances arise people naturally begin to wonder whether there is something wrong somewhere in the technique and method. Let us be charitable; let us say: yes, the executive is very honest about it, very sincere about it and there was an absolute necessity. But, when you examine it, one Ordinance comes three days before the Constitution comes into force: that is Ordinance No. IX of 1950. Two Ordinances come miraculously eight days after the Parliament goes into recess. My hon. friend referred to the speech made by Shri Govind Ballabh Pant that such a levy is necessary, a speech on the 7th of January and this Ordinance miraculously comes three days earlier, on the 4th of January.

Dr. Lanka Sundaram: Had already come.

Dr. Jaisoorya: This hair-splitting argument is of no use. We do not deny that occasions may arise; but it is unfortunate that we have to think of two possibilities: either that the executive is extremely inefficient, that it does not know how in proper time to draw the attention of the people; or that it is doing something behind our backs because the Constitution gives it the power.

Shri Algu Rai Shastri: No.

Dr. Jaisoorya: I am saying 'possible' You make your own choice. I am no lawyer, no constitutional expert, but here in Basu's *Commentary on the Constitution*, on page 399, referring to article 123, he says:

> "Since Parliament can amend or repeal its own Acts, it follows, therefore, that the President may, by Ordinance, amend or repeal laws passed by the Parliament itself, subject, of course, to the limitation of clause (2) as to the duration of the Ordinance. Similarly where a law passed by the Legislature could be retrospective in operation, there is nothing to bar an Ordinance on the same subject from being retrospective. Hence an Ordinance can be given retrospective operation even from a date when the Legislature was in session."

That is the danger. All I am saying is this: either we are not able to understand each other, either there is enormous inefficiency in ordering and arranging matters, or the executive is doing something behind our back. That is for you to judge. I am only giving you the alternatives.

Here is a question today: what is the position of Parliament if in the recess, where there is no question of a war being waged or an invasion taking place, Ordinances are issued like this? In England they have made express provisions and it is a very desirable thing. However much faith we may have in the executive, there is an inherent tendency in the executive to use the powers in excess and arbitrarily. Therefore I submit that the role you are playing today, the decision you are giving today decides the fate of Parliament and the faith of people in democracy.

Mr. Speaker: Pandit Thakur Das Bhargava. He has only about six or seven minutes.

पंडित ठाकुर दास भार्गव : स्पीकर साहब इस मौक़े पर आप ने जो इर्शाद फरमाया है वह हम सब के वास्ते चिराग हिदायत है । आप ने फ़रमाया है कि इस मामले में पार्टी की तरह या पार्टी मेंडेट की तरह या पार्टी के इंटरैस्ट की तरफ़ देखना वाजिब नहीं है । मैं समझता हूं कि अगर जनाब वाला इर्शाद न फ़रमाते तब भी मेरा इस की तरफ़ यही ख्याल होता क्योंकि ऐसे मामलों में सही नुकता

[पंडित ठाकुर दास भार्गव]

निगाह यही है । लेकिन जनाब के इर्शाद के बाद और भी तकवीयत हो जाती है । यह मामला हमारे लिये, खसूसन् कांग्रेस के लिये और भी ग़ौर करने के लायक़ है । हमारे ऊपर जब दूसरी सरकार राज्य करती थी तब आर्डिनेन्स के बरखिलाफ़ मैं समझता हूं कि हर एक कांग्रेसमैन इस तरह महसूस करता था कि जैसे आर्डिनेन्स बिल्कुल लालैस ला है । वह आर्डिनेन्स जिस का हम जिक्र किया करते थे वह दफ़ा ३५२ में है । लेकिन यह आर्डिनेन्स १२३ दफ़ा में है । इन दोनों म यह फ़र्क है कि ३५२ दफ़ा का जो आर्डिनेन्स है वह सिक्योरिटी आफ स्टेट के मुताल्लिक है और ऐसी चीजों के मुताल्लिक़ है जिन का वास्ता सेफ्टी आफ दी स्टेट से है । वह बिल्कुल अलहदा चीज़ है । यह आर्डिनेन्स १२३ दफ़ा के हैं इस में कोई सवाल Emergency का पैदा नहीं होता । जब हम ने यह कांस्टीट्यूशन बनाया था तो कांस्टीट्यूएंट असेम्बली में इस दफ़ा को रुटीन मामलों के लिये बनाया था । और इस को इस तरह पर सरकमस्क्राइब कर दिया था कि कोई भी गवर्नमेंट हिन्दुस्तान पर आर्बिट्रैरीली राज्य न कर सके । मैं अर्ज़ करना चाहता हूं कि अगर जनाब इस के अल्फ़ाज़ को देखें तो यह बिल्कुल रोशन हो जायगा । इस के अल्फ़ाज़ यह हैं :

> "That circumstances exist which render it necessary for him to take immediate action he may promulgate such ordinances as the circumstances appear to him to require".

पहली चीज़ तो मैं यह अर्ज़ करना चाहता हूं कि दोनों सैशन के दरमियान उस तरह के सरकमस्टांसैज होने चाहियें जिन को पहले से नहीं देख सकते थे । यहां ऐसी कोई बात नहीं है कि जिस को पहले से नहीं देख सकते थे । इस वास्ते इन आर्डिनेन्सैज का जारी करना दुरुस्त नहीं था ।

दूसरी बात यह है कि इम्पैरेटिव नैसैसिटी आर्डिनैन्स के लिये होनी चाहिये । इतना ही काफ़ी नहीं है कि आर्डिनैन्स को जारी कर दिया जाय क्योंकि यह एग्जीक्यूटिव के लिये एक हैंडी चीज़ है । फिर यह ज़रूरी है कि इमीजिएट ऐक्शन का होना ज़रूरी हो और आर्डिनैन्स के ज़रिये दूसरा कोई ऐक्शन नहीं हो सकता हो । फिर चौथी चीज़ यह है कि आर्डिनैन्स सिर्फ़ उतनी हद तक हो सकता है जितने के लिये कि सरकमस्टांसैज वारंट करें । यह नहीं कि आप ने आर्डिनैन्स को दो वर्ष के लिये जारी कर दिया कि दो वर्ष तक के लिये प्रेस एक्ट (आबजैक्शनैबुल मैटर) चला जायेगा । और उस में और भी तरमीमें कर लें । अगर ज़रूरी है तो इतना ही होना चाहिये कि जब तक पार्लियामैंट न बैठे यह कानून लागू रहे । चूंकि शायद कोई मुक़द्दमात चल रहे हों, कोई आदमी क़ैद हों, इस तरह की कोई सूरत हो तो इतना ही करना चाहिये कि जब तक पार्लियामट बैठ कर इस का निर्णय न करे तब तक यह जारी रहेगा ।

जहां तक टैक्स का मामला है, जनाब वाला, मैं बिल्कुल सहमत हूं । उन मैम्बरान से जिन्हों ने पहले राय दी है कि किसी भी गवर्नमैंट को पार्लियामैंट की राय के बग़ैर टैक्स नहीं लगाना चाहिये । यह हरगिज़ दफ़ा १२३ की मंशा नहीं है कि गवर्नमैंट जितने टैक्सेज चाहे उतने लगा ले और जब चाहे रुपया जमा कर ले और उस को हाउस में आने की ज़रूरत न हो । आज हमारी गवर्नमैंट है । इस के लिये ही नहीं, लेकिन जब भी दूसरी गवर्नमैंट आवेगी तब भी मैं यही कहूंगा, यह बिल्कुल भी पार्टी का सवाल नहीं है, कि कोई भी टैक्स पार्लियामैंट की राय के बग़ैर नहीं लगना चाहिये । मैं इस में नहीं जाना चाहता कि आया यह टैक्स जस्टीफाइड था या नहीं । मैं इस में नहीं जाता ।

लेकिन मैं चाहता हूं कि हर एक टैक्स जो लगाया जाय वह टैक्स पार्लियामेंट की राय के बग़ैर नहीं लगाया जाना चाहिये ।

इस के अलावा, जनाब वाला, मुलाहज़ा फ़रमायगे कि जब मैं इस बिल की तरफ़ देखता हूं तो पिछली मर्तबा भी मैं न अर्ज़ किया था कि दफ़ा १२३ क़ानूनन् इजाजत देती है और गवर्नमेंट अपने फ़र्ज़ को अदा नहीं करेगी अगर सरकमस्टांसेज देश में ऐसे हों कि आर्डिनैन्स जारी करना चाहिये । और गवर्नमेंट आर्डिनैन्स को जारी नहीं करती । आज भी मैं इसी बात को दोहराता हूं कि अगर देश में सरकमस्टांसेज ऐसे हों कि आर्डिनन्स का जारी करना निहायत ज़रूरी है तो गवर्नमेंट को ज़रूर आर्डिनैन्स जारी करना चाहिये । लेकिन जैसा मैं ने पहले अर्ज़ किया उन सरकमस्टांसेज का होना लाज़मी है । इसलिये जनाब वाला ने जो इर्शाद फ़रमाया वह बिल्कुल दुरुस्त है कि हर एक मामले को देखना है, उस के मैरिटस को देखना है कि आया जो आर्डिनैन्स जारी हुआ वह दुरुस्त है या नहीं । मैं अर्ज़ करना चाहता हूं कि टैक्स के लिये पहले से ही फोरसी किया जा सकता था । सब लोग जानते थे, १२ वर्ष पहले जानते थे कि कौन सी तिथि को कुम्भ आवेगा । मैं यह समझता हूं और सब लोग जानते हैं कि शायद गवर्नमेंट को वक्त की तंगी थी, लेकिन फिर बिजिनैस कमेटी के बनाने से क्या फ़ायदा है अगर ऐसे इम्पार्टेंट लजिस्लेशन को प्रायोरिटी न दी जा सके ।

दूसरे प्रैस आबजैक्शनेबुल मैटर के आर्डिनैन्स के बारे में जब मैं इस बिल को देखता हूं तो मनेऔर भी ताज्जुब होता है । मुझे याद है कि पिछली मर्तबा जब यह बिल पेश था तो हमारे उस वक्त के होम मिनिस्टर साहब ने कहा था कि जो प्रैस कमीशन मक़र्रर कर रहे हैं उस का इस बिल से कोई वास्ता नहीं है । आज वह कहते हैं कि प्रैस कमीशन की मौजूदगी से यह आर्डिनैन्स ज़रूरी था मैं कहता हूं कि यह बिल्कुल ग़लत है । अगर पुरानी हिस्ट्री को देखा जाय तो मालूम होगा कि दस पंद्रह दिन तक हाउस में इस कानून की चर्चा चली थी और उस से मालूम होगा कि यह बिल निहयात डिबेटेबुल है । इस आर्डिनैन्स को दो वर्ष के लिये जारी करना मैं समझता हूं कि दफ़ा १२३ की ठीक तरह का इस्तेमाल नहीं है ।

जनाब वाला, बाक़ी जितने आर्डिनैन्स हैं, चार पांच, उन सब को हम को मैरिट्स पर देखना है । अगर मैरिट्स पर जायज़ हैं तो ठीक है, वरना गवर्नमेंट जस्टीफाइड नहीं होगी उन को जारी करने में । लेकिन टैक्स के मामले में मैं ज़रूर अर्ज़ करना चाहता हूं कि सरकमस्टांसेज ऐसे नहीं थे कि इस आर्डिनैन्स के लिये दफ़ा १२३ का ठीक इस्तेमाल हुआ । हम को हर एक आर्डिनैन्स के मैरिट्स में जाना है । जहां तक इन दोनों आर्डिनैन्स का सवाल है, टैक्स के बारे में मैं बिल्कुल साफ़ हूं कि गवर्नमेंट को किसी भी सूरत में जब तक कि सख्त ज़रूरत न हो और सरकमस्टांसेज वारंट न करें, टैक्स नहीं लगाना चाहिये । मैं इस मामले में श्री चैटर्जी साहब से इत्तिफ़ाक करता हूं । जब हमारे यहां दूसरी गवर्नमेंट थी तो वह जब इस तरह से टैक्स लगाना चाहती थी तो हाउस में एक इस तरह का एमेंडमेंट मैं ने पेश किया था कि हाउस के मैम्बरों की एक ऐसी स्टेंडिंग कमेटी बनाई जानी चाहिये कि जब तक उस कमेटी की सैंक्शन नहीं होती तब तक गवर्नमेंट कोई इस तरह के टैक्स नहीं लगा सके । गवर्नमेंट को याद होगा कि जिस बक्त त्यागी जी साहब मेरे पास इधर बठते थे तो डैलीगेटेड लैजिस्लेशन के बारे में भी हम ने एक सिलैक्ट कमेटी के लिये कहा था और हम नहीं चाहते थे कि डैलीगेटेड लैजिस्लेशन के बारे में भी पार्लियामेंट के कंट्रोल के बिना ऐसा हो सके । लेकिन

[पंडित ठाकुर दास भार्गव]

यह डैलीगेटेड लैजिस्लेशन नहीं है । यह तो हमने जान बूझ कर प्रैसीडैंट को अख्तियार दिया था । यह डैलीगेटेड लैजिस्लेशन नहीं है ताहम लैजिस्लेशन जरूर है । और दोनों हाउसेज आफ़ पार्लियामेंट और प्रैसीडैंट को ही हक़ है कि लैजिस्लेशन बनायें । और दोनों हाउसेज नहीं बैठे हैं तो उस सूरत म यह चीज़ पैदा हुई है । जैसा कि जनाब वाला ने फ़रमाया यह तो लैजिस्लेशन गवर्नमेंट बनाती है । प्रैसीडैंट का तो नाम है । यह सब गवर्नमेंट की तरफ़ से आया है और गवर्नमेंट का काम है कि वह इस हाउस को रसपैक्ट करे और इस तरह का लैजिस्लेशन न बना दे कि जिस के ऊपर इतना एतराज हो और जो टैक्स वग़ैरह के मुताल्लिक़ हो ।

इसलिये यह भी मनासिब नहीं होगा कि गवर्नमेंट के ऊपर एक कमेटी बिठा दी जाय और उस को पूछ कर इस तरह का लैजिस्लेशन बनाया जाय । लेकिन यह मैं चाहता हूं कि हाउस के जितने अपने राइट्स हैं उन को बहाल रखा जाय । जनाब वाला ने डैलीगेटड लैजिस्लेशन के बारे में एक कमेटी बना दी है । इसी तरह इन आर्डिनैन्सेज के वास्ते भी एक कमेटी बैठे और वह देखे कि किन सूरत में यह जायज है कि गवर्नमेंट इस तरह के आर्डिनैन्सेज पास करे और क्या इस ताकत का ठीक इस्तेमाल हुआ है । इसलिये मैं अर्ज़ करूंगा कि इस बारे में हाउस को अख्तियार है कि वह इस चीज़ को रैग्यूलेट करा सके । हम गवर्नमेंट में कोई नो कानफिडैंस जाहिर नहीं कर रहे हैं । मैं समझता हूं कि गवर्नमेंट के खास मामल में राय दूसरी हो सकती है और उसी तरीक़े पर हमारी दूसरी राय हो सकती है । गवर्नमेंट के लोग शायद खास हालात में सैटिसफाइड हो गये हों । इस के बारे में मैं उन को बैनीफिट आफ डाउट देने को तैयार हूं । लेकिन मैं बैनीफिट आफ डाउट तो एक्यूज्ड को दिया जाता है, इन लोगों को जो कस्टोडियन हैं हमारे राइट्स के, जिन्हों ने यह सारा कांसटिट्यूशन बनाया है, और जिन की सारी उम्र जेल में लिबर्टीज के कायम व महफूज करने में लगी है । मैं नहीं समझता कि यह आर्डिनैन्स का जारी करना lightly लेवेंगे—बहरसूरत हमारी राय में हालात ऐसे नहीं थे कि इस क़िस्म के यह दो आर्डिनैन्सेज जारी किये जाते । बाक़ी पांच आर्डिनैन्सों के बारे में मैं नहीं जानता कि गवनमेंट का क्या जस्टिफिकेशन है । गवर्नमेंट जब जस्टिफिकेशन देगी तो मैरिट्स पर हम सोचेंगे कि क्या किया जाय और क्या न किया जाय ।

Shri C. D. Deshmukh: It appears to me that this debate has reached an intensity which the circumstances do not justify and it was for that reason that I made my submission to you. What I meant was that one could arrive at a judgment on this matter after one had had the chance of ascertaining in each individual case whether the exercise of the power under article 123 was justified or not, and that was the only point which I had in mind in regard to the discussion. It was not a question of its absolute relevance, but it was a question of its opportuneness at this moment rather than at the end of the session when we shall have discussed most of the matters arising out of these ordinances on merits. However, I admit that there are two ordinances which will not come before the House and therefore, in the course of my speech, I shall give the circumstances in which those two ordinances came to be enacted. Before I do so, I shall deal with some of the general points that have been made by hon. Members. Much of what they have said has reference, however indirect, to the appropriateness of the provision made in the Constitution. Now, it seems to me that one cannot go behind this, and one must take the Constitution as it stands.

Mr. Speaker: I think it is not 'appropriateness' of the provision, but appropriateness of the 'use' of the provision.

Shri C. D. Deshmukh: The statement I made was that many of the observations seem to me to relate to the appropriateness of the provision. That is my opinion. I state it for what it is worth.

Mr. Speaker: I stated that point so that the hon. Finance Minister may reply to that point.

Shri C. D. Deshmukh: I leave that point—in so far as those observations related to the desirability of such a provision, and its absence in U.K., the history of how such a provision came to be qualified, and its absence in U. S. A.—all these are points to which I do not propose to answer.

Now, in regard to the actual provision, some loose use has been made of the words 'emergency' and 'immediate'. Immediate is the word used in article 123 of the Constitution, and I am obliged to the hon. Member who spoke last for drawing attention to that other set of ordinances under article 352. The position, before the Constitution came into force, was that the section that applied to this kind of ordinance was section 72 of the Government of India Act, 1919, continued by section 317 of the Government of India Act, 1935, and reproduced in the ninth schedule of that Act. Section 42 of the Government of India Act, 1935, which is similar to the provision in the Constitution, did not come into force at all, as no federation was formed. The language of the old section was: 'The Governor-General may in cases of emergency make and promulgate Ordinances for the peace and good government etc. etc., Now, I should like to contrast this with the wording of this article—article 123:

> "If at any time, except when both Houses of Parliament are in session, the President is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinances as the circumstances appear to him to require."

Then there are checks and balances and they are contained in the subsequent clauses. Clause (2) says:

> "An Ordinance promulgated under this article shall have the same force and effect as an Act of Parliament, but every such Ordinance—
>
> (a) shall be laid before both Houses of Parliament and shall cease to operate at the expiration of six weeks from the re-assembly of Parliament, or, if before the expiration of that period resolutions disapproving it are passed by both Houses, upon the passing of the second of those resolutions; and
>
> (b) may be withdrawn at any time by the President."

Then there is the Explanation and lastly, there is clause (3) which says:

> "If and so far as an Ordinance under this article makes any provision which Parliament would not under this Constitution be competent to enact, it shall be void."

Therefore, it seems to me that that could also be referred to the courts for declaring its validity. Now, the whole scheme assumes that during the inter-session period there may be occasions on which the President must in the public interests act, and if he does not act, then public interests would suffer. So again this brings us back to the judgment of what were the precise circumstances which impelled the President to issue the Ordinance. Therefore, it seems to me that unless one went into the merits of each case, merely by mentioning the statistics, whether this or that Ordinance was issued, one could not possibly come to the conclusion that the President is in the habit of issuing Ordinances or that the executive government is in the habit of advising him in that direction.

Now, Sir, I shall read article 269. It says that among the duties and taxes to be levied and collected by the Union but assigned to the States is this particular terminal tax on goods or

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passengers carried by railway, sea or air. Then in clause (2) it says that the net proceeds shall be assigned to the States within which that duty or tax is leviable in that year. That, incidentally, disposes of the observation made, I think, by Dr. Lanka Sundaram, that it might have been possible for us to ask for a supplementary demand or make any other motion, before this Parliament. Now, so far as this expenditure is concerned, it is not incurred by us; it is incurred by the U. P. Government, and the proceeds from the tax also do not form part of the Consolidated Fund of the Union but will go to the Consolidated Fund of the U. P. State.

There was some reference to imposition of taxes by law. I think that particular argument has already been answered by one hon. Member. So far as the legal position is concerned, there is no difference between imposition of a tax by Ordinance and securing any other matter by Ordinance. Whether it is an Ordinance or whether it is a law passed by Parliament, it is law for all purposes.

Now, as regards precedents, there are no less than six precedents of a tax having been raised by means of an Ordinance. There was the Indian Post Office Amendment Ordinance, 1935. That was in the old days. Then the Indian Taxes on Income (Deduction at Source) Ordinance, 1935, and the Excess Profits Tax Ordinance, 1943, and in the lifetime of this Parliament the Additional Excise Duty on Cloth Ordinance, 1953. Then, just before the Constitution came into operation, there was the U.P. Terminal Tax on Passengers Ordinance, 1950, which was called the Hardwar Kumbh Mela Ordinance. there is an example of a State Government also having imposed a tax by an Ordinance.

The point I would make is that in each case, and certainly in the case of the Excise Duty on Cloth, the matter did come up before the Parliament. So far as the material before me goes, I do not find that any objection was raised to the power of the President to raise a tax for a certain purpose and in certain circumstances by means of an Ordinance.

Now, that is the general legal position. In regard to the facts of the case, particularly the facts of the imposition of the Kumbh Mela Terminal Tax, the facts are these. It was sometime towards the end of October, 1953, that we received a communication from the U. P. Government making several proposals on the basis of their estimate of the expenditure that would be required for the Kumbh Mela. They pointed out that as the river had changed its course, a new site would have to be developed for purposes of the Mela or the approaches would have to be made differently and that the total expenditure to be incurred by them would be very much larger than in the past. Therefore, the first proposal was that the Centre should pay them a grant to cover a part of the expenditure.

The second proposal was that they should be allowed to increase the yield from their old pilgrim tax, which was utilised for a similar purpose. They pointed out that the yield would be about Rs. 2 or 2½ lakhs which would be entirely inadequate for the present purpose. Therefore, they suggested that a terminal tax should be levied on the model of the Hardwar Terminal Tax—precedent of 1950—and they calculated that they would be enabled thereby to raise about Rs. 15 lakhs.

Then a great deal of time was spent in correspondence to and fro in regard to the merits of these proposals. The Finance Ministry took the view that it would not be advisable for the Centre to make any grant. Then, there were representations again from the U. P. State Government which had to be replied to. Then, we pointed out that even in regard to the terminal tax, it did not seem to be so necessary to raise just another additional Rs. 12 or 13 lakhs in view of the resources at the disposal of the U. P. Government. The case was represented by

them again through various channels and it was towards the end of December, after the House was adjourned or prorogued, that the decision was taken that we should accept that part of the U. P. State Government's proposal, that is to say, to raise the terminal tax, especially in view of the fact that we had denied them the grant that they had asked for.

Now, all this you might say was administrative delay. Certainly it was, but I cannot see that, having regard to the hundred and one preoccupations of Government, especially their preoccupation with the Parliamentary business itself, one could come to the conclusion that it might have been possible for them so to hurry matters as to ensure that a Bill imposing this tax was brought before the House. This is an unvarnished account of what happened.

There could not be any reluctance to bring this small measure before the House, because in the light of revenues that are being raised with the consent of the Parliament, the present Finance Minister could not have been entertaining any apprehensions that the House would adopt a particularly rigid view in regard to this small tax, which had been imposed a year before for some specific purpose. Now it might be possible for hon. Members to say that the Finance Minister is transferring his burden of lashes for negligence to the shoulders of the U. P. Government. They will say that all executive is one as it is run by the same Party. It was the U. P. Government which failed to foresee that the correspondence between the two Governments would take in the ordinary course a couple of months and they should have, therefore, addressed the Government of India towards the end of August and not towards the end of October. I am not in a position to answer that charge. They themselves might have some very good reason why they were unable to make those proposals earlier. It may be that their engineers had not advised them as to the character of the works that would be necessary for the Kumbh Mela in the altered circumstances of the case, namely, the altered course of the river (*Interruption*).

Mr. Speaker: Order, order. Let him proceed.

Shri C. D. Deshmukh: I am not in possession of the data in regard to the change of course of the river.

Shri Sarangadhar Das (Dhenkanal-West Cuttack): That was just at the end of the last monsoon.

Shri C. D. Deshmukh: I am frankly not in a position to defend the U. P. Government. All I can say again is that the reference reached us on the 30th October, that with the caution, which is characteristic of the Finance Ministry, we refused to accept part of the burden and in any case we did not readily agree that the public should be taxed unless we were convinced. Therefore, if we took a couple of months to be convinced that a tax on the public is necessary, I should say that it is not a penal offence. That is all that happened in this particular case.

I have the details in regard to the other ordinances, but as you have pointed out, this is not the occasion that one could go into the merits of the ordinances. I would like to refer to the Barsi Light Railway legislation. In this particular case, the Barsi Light Railway Company, a company registered in the United Kingdom, was given a year's notice on the 19th December 1952, notifying the intention of the Government of India to purchase the undertaking on the Ist January 1954. In order to safeguard the interests of the workers, Government got that company to agree that the company should pay to Government suitable sums to represent the liability of the company in regard to gratuity and leave salary of the staff in respect of the period of service of such staff under the company. Although the company expressed its willingness to make the necessary payments, we found that it was not legally competent to do so according to the law of England—not our law—in view of the fact that

[Shri C. D. Deshmukh]

the business of the company would come to an end on the purchase of the undertaking on the 1st January 1954 and therefore there was a danger of the gratuitous payment made by the company being challenged by its shareholders in the United Kingdom. in order to safeguard the interests of our workers—and I knew that that matter was causing a good deal of anxiety to the Members of Parliament from that part of the country—we thought that the best thing would be to tie up this position by an ordinance, and since the undertaking was to be taken over on the 1st January 1954, there was no alternative but to issue an ordinance. Here again, it could be argued—quite validly I think—that there is no reason why this investigation into the possible legal rights of the company according to the law in England could not have taken place before. I have no answer except that this is the way in which matters come up in every Ministry. A decision is taken and then somebody raises some issue. Then there are negotiations with the company and so many proposals are made to them. Some are accepted and some rejected by them. Then at a certain period of time something is fixed, and that thing fixed in this case was the payment of a gratuity out of their own funds to our workers here. That, as I said, took place towards the end of December, or the middle of December, and it took us a little time to find out what the legal position was Therefore, in this case too, I think any dispassionate student of the matter would come to the conclusion that possibly this ordinance was also justified.

And, therefore, Sir, I say that unless one knows the details of every case it is not really possible to generalise and that the real trouble is not any desire on the part of the Executive to ignore the House, but perhaps the inability on the part of the Executive to foresee each and every circumstance as it develops. There are administrative delays and there are, as I said, lapses in regard to foreseeing the future. You may perhaps say that these are instances of lapse of foresight. Those are defects from which Executives all over the world, I think, do suffer. When we sometimes say that we are not sure if our Plan will be executed, if our National Plan will be implemented, we have the same thing at the back of our mind. It is a hydra-headed defect. One cannot always tell readily where the defect lies, or how delays take place. But I take it that what has exercised the mind of the House here is not so much the question of administrative delays, or lack of foresight—although they are certainly entitled to blame the Government in individual cases where these things could have been foreseen—but it seems to me that it is a case of indirectly, so to speak, ascribing *mala fides* to the Executive, and that I am in a position to deny. I say that in every case there was an honest exercise of judgment and a great deal of cogitation, because by this time the Executive also is very keenly aware of the view that the legislature takes of the issue of ordinances, and I can assure the House that if an ordinance is issued it is issued after the most mature and deliberate consideration. Therefore, it seems to me that the purpose of this discussion is really in a sort of indirect way to say that the Executive is somewhat inept. I suggest that that is a matter which ought to take another form and not the form of a discussion of whether certain ordinances were justified or not, or, what is worse, whether the executive has a habit of issuing ordinances.

And that leads me to the last point that hon. Members made that it might be worthwhile for the Parliament to set up a Committee in order to sit in judgment on all the ordinances that have been issued since the inauguration of the Republic. (*Some Hon. Members*: No, no.) Indeed, one hon. Member challenged me to produce all the ordinances that have been issued since independence. It is not possible for me to comply with that order. I have got all the ordinances that have

been issued only in the last inter-session period. But it seems to me, Sir, that much of this work will be really a waste of energy of the House, that is to say an *ex post facto* or *post mortem* examination, which is so far behind events. I have no doubt that in the course of enacting these ordinances into law the Parliament has had on almost every occasion—cases like Kumbh Mela are very few—or at least in a very large majority of cases, a very extended and specific opportunity of giving its verdict on the judiciousness or otherwise of the use made by the President, on the advice of the Executive, of the powers vested in him under article 123. In regard to this particular ordinance, where, as I said the Legislature had no chance of discussion, the Mela was actually to commence sometime in December, according to the Uttar Pradesh Government.

Some Hon. Members: In January.

Shri C. D. Deshmukh: I am reading from my brief. The Mela was expected to last from 1st December to 15th March.

An Hon. Member: You have been badly briefed.

Shri C. D. Deshmukh: They might have been badly advised, or it may be that people started coming for the Mela even earlier than the expected period. But in any case, we gave effect to it as soon as we could issue the ordinance—that is to say from the 7th January. The point I am making is that the date, 15th of March, was given by the U. P. Government, that is, on their first communication, when we had agreed there was ample time in consultation with the Business Advisory Committee to have the necessary legislation passed in this House. Therefore, it is quite clear that by making that ordinance expire on the 15th March, we did not make any deliberate attempt to keep the House in the dark. It just happened that the Mela disperses on the 15th March and it also happened that somebody—it must be you, Sir, fixed the date on 15th February for the commencement of this Session so that there are four weeks and not six weeks. Had it been otherwise, no one would have been happier than myself to bring this piece of legislation before the House and face its verdict. That is all that I have to say.

Dr. Katju: Sir, my hon. colleague has narrated to you the facts relating to the financial ordinances. I should like to ask you, in these three or four minutes, to take a more general view. There has been plenty of denunciation and plenty of observations of a general nature: democracy, Parliament, and all that. My hon. friend, Mr. Bhargava who has left ... (*An Hon. Member*: He has not left.)....was very severe about the Press Act. I am absolutely unrepentant about it and my conscience is quite clear.

Shri N. C. Chatterjee: Always.

Dr. Katju: Always—at least—this time. The Bill was introduced. The House was congested with legislative business. There was a debate on Foreign Affairs, Scheduled Castes—and God knows what—and I gave clear notice that inasmuch as the Bill has not been taken up I would have an ordinance promulgated. I would ask you to consider—my hon. friend, the Finance Minister rather hurried over article 123—but please consider: Firstly,—should this Government or any Government share the responsibility for advising the President to promulgate an ordinance on the question of fact as to whether immediate action is necessary or not? Or should it not? That is my submission to the House.

A suggestion was made—it was twofold: first, a *post-mortem* examination of all the ordinances, and secondly, before you promulgate an ordinance have a Committee of the whole House to advise the Government as to whethere there is really a necessity for an ordinance.—if I understand rightly. I do not know what a Committee of the whole House is.

Dr. Krishnaswami: A Committee of the House.

Dr. Katju: I thought you said the 'whole House'. A Committee of the House to come from all parts of India might take ten, fifteen or twenty days and then it might come to some conclusion. I say it is the function of the Executive Government to take upon itself the responsibility.

7 P.M.

Consider what actually happened. The Constitution makers inserted this provision deliberately. Mr. Bhargava said so. They suggested as soon as Parliament meets the ordinances shall be laid on the Table of the House. Take the Press Act Ordinance or any other ordinance. What does the Constitution say? It is open to Parliament to express its disapproval of that particular ordinance by tabling a motion for disapproving that ordinance even on the second day. This House met on the 15th and supposing it does not approve of any of the ordinances, under article 123, you can table a motion and say this is an ordinance totally unnecessary; there was no emergency; there was no necessity for taking immediate action; that this was purely arbitrary; that the Government was power-drunk; it wanted to ignore the Parliament; and therefore, we want to disapprove of these ordinances. They could have gone to you, Sir, and said that this is a matter most urgent and important and so please suspend all the rules of business and have our motion and discuss it. On the 17th of February everything can be considered. Let us have a sense of perspective about these matters. It is not an ordinance which goes for two years or three years; it is not as if the executive government is passing an Act simply superseding Parliament. It says, number one, the executive government has some sense, it will take some action where immediate action is called for. And then comes Parliament; as soon as it meets, the Ordinance is to be laid on the Table. Then comes the opportunity for disapproval. And then there is opportunity for further action, ordinary action, vote of censure. There is the Debate on the Address, or any other occasion. They say: here this Government has been acting in a most improper, indecent hasty manner, completely disregarding our existence. These, I submit, are the ordinary methods by which parliamentary democracy works and not by suggesting that ordinance is a hateful word and should not really be used at any time. I can quite understand; amend the Constitution; you may say that Parliament should have the legislative power and executive government should never have any legislative power. I do not dispute that. But so long as this Constitution exists, here is the executive government—I am not talking of this particular executive government, any executive government—vested with responsibilities. If it introduces an ordinance on the Barsi Light Railway or so far as this poor Press Bill is concerned, just consider this. (*Interruption.*) I can go into a sort of eloquence, melodramatic eloquence. What does this say? The Press Bill was to expire on the 31st January, 1954. A Bill was introduced in the House sometime in December, extending the period. We waited. The House was busy. And I intimated to the House when my friend Dr. Lanka Sundaram .....

Mr. Speaker: I may just correct the hon. Minister. When the Business Advisory Committee met, it distinctly asked the Minister for Parliamentary Affairs to give it a list of the Bills pending, all the Bills which Government want to introduce but which had not been introduced, and the priority which Government wanted in respect of the Bills. At that time a list of other Bills which were not introduced was given, but this Bill—which was later introduced—was not supplied to the Business Advisory Committee. That is the point of grievance.

Dr. Katju: Very well, Sir, I stand corrected. But with all due respect to you, it does not take you very far.

Mr. Speaker: I am not arguing.

Dr. Katju: I bow with respect to your observations. We will have a discussion. The Press Bill is third on the list. I am waiting for declamations, from this side, that side, every side. I have got all the newspaper cuttings. What has happened? Have the heavens fallen? The original Press Act was due to expire on the 31st January. The House was not in session. We only said this. The Bill was there. We did not want to have a gap. I am not saying anything as to what the Press is capable or not capable of. We did not want a break. So we said: Here is the Ordinance. Parliament will meet on 15th February. This Bill will be one of the first matters to come up before it. Therefore, for this short period, twenty-four days or one month, let us have this.

Sir, I do not want to add anything further. In short I say this. It is open to Parliament, it is open to the people of India to decide that the Constitution should be amended and that the ordinance-making power should be completely taken away from the executive government. But if they want to give it, then I say it would be most improper that that responsibility should be shared with anybody. The executive government should be solely responsible for the exercise of that power. An Ordinance may be called for at twenty-four hours notice, forty-eight hours' notice. Secondly, the Constitution as it exists gives the most complete power of supervision to Parliament to approve of the action, to disapprove of the action and to censure the Government. What more do you want? That is all that I have to say, Sir.

Mr. Speaker: The House may now adjourn.

The House then adjourned till Two of the Clock on Wednesday, the 17th February, 1954.